

Darryelle Preston v. City of Oakland, et al.

**United States District Court
Northern District of California
Case No. C14-02022 NC**

Joint Trial Readiness Binder

ATTACHMENT A

DAN SIEGEL (SBN 56400)
 SONYA Z. MEHTA (SBN 294411)
 SIEGEL & YEE
 499 14th Street, Suite 300
 Oakland, California 94612
 Telephone: (510) 839-1200
 Facsimile: (510) 444-6698

Attorneys for Plaintiff
 DARYELLE LAWANNA PRESTON

BARBARA J. PARKER (SBN 069722)
 OTIS McGEE, JR. (SBN 071885)
 MARIA BEE (SBN 167716)
 JENNIFER N. LOGUE (SBN 241910)
 One Frank H. Ogawa Plaza, 6th Floor
 Oakland, California 94612
 Telephone: (510) 238-3589
 Facsimile: (510) 238-6500
 29892:1647767

LAFAYETTE & KUMAGAI LLP
 GARY T. LAFAYETTE (SBN 0088666)
 SUSAN T. KUMAGAI (SBN 127667)
 AFRICA E. DAVIDSON (SBN 225680)
 101 Mission Street, Suite 600
 San Francisco, California 94105
 Telephone: (415) 357-4600
 Facsimile: (415) 357-4605

Attorneys for Defendants
 CITY OF OAKLAND and DEANNA SANTANA

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

DARYELLE LAWANNA PRESTON

Plaintiff,

vs.

CITY OF OAKLAND; DEANNA
 SANTANA, in her individual capacity; and
 DOES 1-10, inclusive

Defendants.

Case No. C14-02022 NC

TRIAL STIPULATIONS

Date: August 19, 2015
 Time: 11:00 a.m.
 Courtroom: D
 Judge: Hon. Nathaniel Cousins,
 Magistrate Judge

Action Filed: March 17, 2014
 Trial Date: September 14, 2015

1 Plaintiff Daryelle Lawanna Preston ("Plaintiff") and Defendants City of Oakland (the
2 "City") and Deanna Santana ("Santana") (collectively, the "Parties") hereby agree to the
3 following stipulations for trial:

- 4 1. With the exception of Plaintiff, Deanna Santana and the City's representative, witnesses
5 are barred from the courtroom until summoned to testify and until such time as they have
6 been excused.

7
8
9 DATED: August 12, 2015

SIEGEL & YEE

10
11 /s/ Dan Siegel

DAN SIEGEL

Attorneys for Plaintiff

DARYELLE LAWANNA PRESTON

12
13 DATED: August 12, 2015

LAFAYETTE & KUMAGAI LLP

14
15 /s/ Gary T. Lafayette

GARY T. LAFAYETTE

Attorneys for Defendants

CITY OF OAKLAND and DEANNA SANTANA

ATTACHMENT B

LAFAYETTE & KUMAGAI LLP
ATTORNEYS AT LAW
101 MISSION STREET, SUITE 600
SAN FRANCISCO, CALIFORNIA 94105
(415) 357-4600
FAX (415) 357-4605

LAFAYETTE & KUMAGAI LLP
GARY T. LAFAYETTE (State Bar No. 88666)
Email: glafayette@lkclaw.com
SUSAN T. KUMAGAI (State Bar No. 127667)
Email: skumagai@lkclaw.com
AFRICA E. DAVIDSON (State Bar No. 225680)
Email: adavidson@lkclaw.com
101 Mission Street, Suite 600
San Francisco, California 94105
Telephone: (415) 357-4600
Facsimile: (415) 357-4605

Attorneys for Defendants
CITY OF OAKLAND and DEANNA SANTANA

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DARYELLE LAWANNA PRESTON,

Plaintiff,

v.

CITY OF OAKLAND; DEANNA
SANTANA, in her individual capacity; and
DOES 1 through 10, inclusive,

Defendants.

Case No. 3:14-cv-02022 NC

Complaint Filed: 3/7/2014

**DEFENDANT'S TRIAL WITNESS
LIST**

Final Pretrial Conference Date:

August 19, 2015

Time: 11:00 a.m.

Courtroom: D (San Francisco)

Magistrate Judge: Nathanael M. Cousins

Defendants City of Oakland (the "City") and Deanna Santana ("Santana"), in accordance
with the Court's Pretrial Preparation Order dated July 20, 2015, submit the following Trial
Witness List in connection with the above captioned matter.

///

///

///

LAFAYETTE & KUMAGAI LLP
ATTORNEYS AT LAW
101 MISSION STREET, SUITE 600
SAN FRANCISCO, CALIFORNIA 94105
(415) 357-4600
FAX (415) 357-4605

No.	Witness	Subject of Testimony	Time Estimate for Direct Examination	Time Estimate for Cross Examination
1	Winnie Anderson	Plaintiff's alleged protected acts; union negotiations and agreements; plaintiff's work with unions	30 minutes	15 minutes
2	Fred Blackwell	Plaintiff's alleged protected acts; the Rainbow Teen Center Report and City Council meeting on March 6, 2012	10 minutes	10 minutes
3	Barry Donelan	Plaintiff's alleged protected acts; plaintiff's job performance; union negotiations; plaintiff's work with unions	5 minutes	5 minutes
4	Trinette Gist-Skinner	Plaintiff's alleged protected acts; facts regarding negotiations with Local 55 and tentative agreements	20 minutes	10 minutes
5	Andrea Gouridine	Legitimate business reasons for termination; conduct during investigations	10 minutes	10 minutes
6	Donna Hom	Union negotiations; Local 55 tentative agreements	10 minutes	5 minutes
7	Scott Johnson	Plaintiff's job performance	10 minutes	10 minutes
8	Howard Jordan	Plaintiff's alleged protected acts; plaintiff's work with unions	10 minutes	5 minutes
9	Katano Kasaine	Plaintiff's alleged protected acts; SEIU negotiations and grievance	40 minutes	20 minutes

LAFAYETTE & KUMAGAI LLP
 ATTORNEYS AT LAW
 101 MISSION STREET, SUITE 600
 SAN FRANCISCO, CALIFORNIA 94105
 (415) 357-4600
 FAX (415) 357-4605

No.	Witness	Subject of Testimony	Time Estimate for Direct Examination	Time Estimate for Cross Examination
10	Sonia Lara	Plaintiff's alleged protected acts; union negotiations, agreements and grievance; plaintiff's work with unions; investigations	30 minutes	15 minutes
11	John Lois	Investigation findings relating to plaintiff's conduct during investigation	10 minutes	10 minutes
12	Dwight McElroy	Union negotiations; SEIU grievance; plaintiff's work with unions	5 minutes	5 minutes
13	Alexandra Orologas	Legitimate business reasons for termination; process for agenda to City Council; plaintiff's dissemination of confidential information; plaintiff's conduct relating to City Council meetings	10 minutes	10 minutes
14	Barbara Parker	Rainbow Teen Center Report; SEIU grievance; Local 55 tentative agreements	5 minutes	20 minutes
15	Lawanna Preston	Alleged protected acts; job description; job performance; legitimate business reasons for termination	1 hour	1 hour
16	Jean Quan	Legitimate business reasons for termination; causation	10 minutes	5 minutes
17	Teresa DeLoach Reed	Local 55 negotiations and tentative agreements	10 minutes	10 minutes

LAFAYETTE & KUMAGAI LLP
 ATTORNEYS AT LAW
 101 MISSION STREET, SUITE 600
 SAN FRANCISCO, CALIFORNIA 94105
 (415) 357-4600
 FAX (415) 357-4605

No.	Witness	Subject of Testimony	Time Estimate for Direct Examination	Time Estimate for Cross Examination
18	Dan Robertson	Plaintiff's alleged protected acts; plaintiff's job performance; union negotiations	5 minutes	5 minutes
19	Courtney Ruby	Violations by Desley Brooks relating to Rainbow Teen Center	10 minutes	10 minutes
20	Arturo Sanchez	Plaintiff's termination	5 minutes	5 minutes
21	Deanna Santana	Legitimate business reasons for termination; plaintiff's alleged protected acts; dissemination of confidential information; causation	1 hour	½ hour
22	Amber Todd	Plaintiff's alleged protected acts; plaintiff's job performance	5 minutes	5 minutes
23	Kip Walsh	Drafting and signing of Rainbow Teen Center Report	10 minutes	5 minutes

Respectfully Submitted,

DATED: August 12, 2015

LAFAYETTE & KUMAGAI LLP

/s/ Gary T. Lafayette

GARY T. LAFAYETTE
 Attorneys for Defendants
 CITY OF OAKLAND and DEANNA SANTANA

ATTACHMENT C

1 DAN SIEGEL, SBN 56400
 2 SONYA Z. MEHTA, SBN 294411
 3 SIEGEL & YEE
 4 499 14th Street, Suite 300
 5 Oakland, California 94612
 6 Telephone: (510) 839-1200
 7 Facsimile: (510) 444-6698
 8
 9 Attorneys for Plaintiff
 10 DARYELLE LAWANNA PRESTON

11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25
 26
 27
 28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DARYELLE LAWANNA PRESTON,
 Plaintiff,

vs.

CITY OF OAKLAND; DEANNA
 SANTANA, in her individual capacity; and
 DOES 1 through 10, inclusive,
 Defendants.

) Case No. 3:14-CV-02022 NC

PLAINTIFF'S WITNESS LIST

) Pretrial Conference: August 19, 2015
 Time:

) Judge: Hon. Nathanael Cousins

) Trial Date: September 14, 2015

The following is plaintiff's witness list:

NO	WITNESS	TESTIMONY	TIME
1.	Winnie Anderson	Local 55 tentative agreements, and SEIU grievance.	Direct: 20 mins. Cross:

Case3:14-cv-02022-NC Document102 Filed08/05/15 Page28 of 70

1	2.	Fred Blackwell	Rainbow Teen Center,	Direct: 20 mins.
2			discussion at City Council,	Cross:
3			union relationship with	
4			Santana and Preston.	
5	3.	Desley Brooks	Rainbow Teen Center, SEIU	Direct: 45 mins.
6			grievance, City Council	Cross:
7			meetings.	
8	4.	Barry Donelan	Preston's work with police	Direct: 15 mins.
9			union.	Cross:
10	5.	TC Everett	Oakland policy on access to	Direct: 15 mins.
11			employee emails, computer	Cross:
12			reliability.	
13	6.	Lamont Ewell	Preston's performance,	Direct: 20 mins.
14			emotional distress, Santana's	Cross:
15			performance.	
16	7.	Chuck Garcia	Preston's work with	Direct: 15 mins.
17			Firefighters Union.	Cross:
18	8.	Yvonne Hudson	Disparaging phone call to	Direct: 10 mins.
19			Preston's current employer.	Cross:
20	9.	Katano Kasaine	SEIU grievance, aftermath of	Direct: 30 mins.
21			termination.	Cross:
22	10.	Joe Keffer	SEIU grievance.	Direct: 15 mins.
23				Cross:
24	11.	Sonia Lara	Preston's job performance,	Direct: 15 mins.
25			SEIU grievance.	Cross:
26	12.	Dwight McElroy	SEIU grievance.	Direct: 15 mins.
27				Cross:
28				

1	13	Otis McGee	Reasons for Preston's	Direct: 30 mins.
2			termination, investigation of	Cross:
3			Preston, Preston telephone	
4			call to Santana.	
5	14	Emily Morrison	Preston's current employer,	Direct: 10 mins.
6			receipt of disparaging phone	Cross:
7			call from City Attorney	
8			employee.	
9	15	Barbara Parker	Reasons for Preston's	Direct: 30mins.
10			termination, SEIU grievance,	Cross:
11			Local 55 tentative agreement,	
12			Rainbow Teen Center.	
13	16	Lawanna Preston	Plaintiff.	Direct: 1 hour
14				Cross:
15	17	Jean Quan	Reasons for Preston's	Direct: 15 mins.
16			termination.	Cross:
17	18	Teresa Reed	Local 55 tentative agreement.	Direct: 20 mins.
18				Cross:
19	19	Dan Robertson	Preston's work with	Direct: 15 mins.
20			Firefighters Union.	Cross:
21	20	Deanna Santana	Retaliation against Preston.	Direct: 1 hour.
22				Cross:
23	21	Latonda Simmons	City Council meetings,	Direct: 20 mins.
24			Rainbow Teen Center.	Cross:
25	22	Sandre Swanson	Reasons for Preston's	Direct: 20 mins.
26			termination, Preston's	Cross:
27			performance.	
28				

Case3:14-cv-02022-NC Document102 Filed08/05/15 Page30 of 70

1	23 Cheryl Thompson	Emotional distress.	Direct: 20 mins.
2			Cross:

3
4
5 Dated: June 30, 2015
6
7

8 SIEGEL & YEE
9

10 By: /s/ Sonya Z. Mehta
11 Sonya Z. Mehta

12 Attorneys for Plaintiff
13 Daryelle LaWanna Preston
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ATTACHMENT D

1 LAFAYETTE & KUMAGAI LLP
 2 GARY T. LAFAYETTE (State Bar No. 88666)
 3 Email: glafayette@lkclaw.com
 4 SUSAN T. KUMAGAI (State Bar No. 127667)
 5 Email: skumagai@lkclaw.com
 6 AFRICA E. DAVIDSON (State Bar No. 225680)
 7 Email: adavidson@lkclaw.com
 8 101 Mission Street, Suite 600
 9 San Francisco, California 94105
 10 Telephone: (415) 357-4600
 11 Facsimile: (415) 357-4605

12 *Attorneys for Defendants*
 13 CITY OF OAKLAND and DEANNA SANTANA

14 UNITED STATES DISTRICT COURT
 15 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 16 SAN FRANCISCO DIVISION

17 DARYELLE LAWANNA PRESTON,

18 Plaintiff,

19 v.

20 CITY OF OAKLAND; DEANNA
 21 SANTANA, in her individual capacity; and
 22 DOES 1 through 10, inclusive,

23 Defendants.

Case No. 3:14-cv-2022 NC

Complaint Filed: 3/7/2014

**DEFENDANT'S TRIAL EXPERT
WITNESS LIST**

Final Pretrial Conference Date:

August 19, 2015

Time: 11:00 a.m.

Courtroom: D (San Francisco)

Magistrate Judge: Nathanael M. Cousins

24 Defendants City of Oakland (the "City") and Deanna Santana ("Santana") in accordance
 25 with the Court's Pretrial Preparation Order dated July 20, 2015, submit the following Expert
 26 Witness List in connection with the above captioned matter.

- 27 1. Mark Cohen
 28 Cohen/Volk
 1155 Alpine Road
 Walnut Creek, CA 94596
 Tel: (925) 299-1200

Attached as Exhibit A is a copy of the report and curriculum vitae.

1 Mr. Cohen will testify about plaintiff's alleged economic loss and mitigation. He will
2 testify that plaintiff's alleged economic past loss does not exceed \$48,906 and her future
3 economic loss will not exceed \$105,553.00, for a total economic loss not to exceed \$154,459.00.
4

5
6 Respectfully Submitted,

7 DATED: August 5, 2015

LAFAYETTE & KUMAGAI LLP

8 /s/ Africa E. Davidson

9 AFRICA E. DAVIDSON

Attorneys for Defendants

10 CITY OF OAKLAND and DEANNA SANTANA
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

LAFAYETTE & KUMAGAI LLP
ATTORNEYS AT LAW
101 MISSION STREET, SUITE 600
SAN FRANCISCO, CALIFORNIA 94105
(415) 357-4600
FAX (415) 357-4605

EXHIBIT A

COHEN | VOLK
ECONOMIC CONSULTING GROUP

1155 ALPINE ROAD
WALNUT CREEK, CA 94596
T 925.299.1200
F 925.482.0824
WWW.COHENVOLK.COM

April 1 2015

Ms. Maria Bee
Office of the City Attorney
One Frank H. Ogawa Plaza, 6th Fl.
Oakland, CA 94612

Re: Preston v. City of Oakland

Dear Ms. Bee:

As Chief Economist of Cohen | Volk Economic Consulting Group, I have been retained to evaluate the economic losses to Ms. Preston in the above-captioned case. This evaluation includes an evaluation of Ms. Preston's lost earnings, attempts to mitigate her loss, her employability and her mitigation earning capacity. I have also been retained to comment upon work product and testimony of plaintiff retained economic loss and mitigation experts.

In order to complete the assignment, I have reviewed the following documents:

1. Plaintiff's Response to City of Oakland's Special Interrogatories, Set 1;
2. Plaintiff's payroll records 2008 to 2013 at the City of Oakland;
3. Plaintiff's 2012 W-2 Statement;
4. Defendant Responses to Ms. Preston's Supplemental Interrogatories, Set 1;
5. Miscellaneous personnel records for Ms. Preston at the City of Oakland;
6. Ms. Preston's rough deposition transcript.
7. City of Oakland's MOU with the Confidential Management Employees Association, 7/1/13-7/1/15.

In forming my opinions I have also relied upon data provided by the City and County of San Francisco, the City of Berkeley, the California Public Employees Retirement Benefit System and the City of Oakland on their web sites. Additionally, I have spoken with Katano Kasaine, Treasurer, City of Oakland.

Evaluation of Income and Benefits without Termination from the City of Oakland:

Ms. Preston was hired July 23, 2007 as a Human Resources Manager. She was terminated October 3, 2013. Since her termination, the City of Oakland has had a 1% cost of living adjustment in July of 2014. I have calculated Ms. Preston's earnings and benefits without termination based on her average annual income, adjusted to current pay rates from October 2013 to the date of valuation.

Future income and benefits without termination are calculated using the rate of pay at the date of valuation, and discounting this income stream to present cash value using a net discount rate. The net discount rate is the difference between interest rates and wage growth rates historically in the U.S. The income and benefits are calculated to the end of a normal worklife expectancy based on

Maria Bee
April 1, 2015
Page 2

the experience rates of the California Public Employees Retirement System, the system that Ms. Preston was a part of when employed for the City of Oakland.

Pension benefits are calculated in accordance with the City of Oakland agreement with the California Public Employees Retirement System. These benefits are calculated to the end of a normal life expectancy. These benefits are also reduced to present cash value.

Evaluation of Mitigation Earning Capacity:

According to records received, Ms. Preston started with the City and County of San Francisco in 2014. She began at a rate of \$119,000 per year, and in January of 2015, her salary was raised to \$138,000 according to answers to interrogatories.

The attached analysis asserts that in the future Ms. Preston will increase through the ranks of the pay scale such that after 5 years employment with the City and County of San Francisco, she will be earning the equivalent of the pay rate that she would have had had she remained employed with the City of Oakland. Ms. Preston required less than 5 years of employment to reach her last position at the City of Oakland. Once obtaining that position, her earning increases were equivalent to the increases in the general cost of living.

Future mitigation income and benefits are calculated using the rate of pay at the date of valuation, and discounting this income stream to present cash value using a net discount rate. The net discount rate is the difference between interest rates and wage growth rates historically in the U.S. Mitigation income is calculated to the same date as earnings and benefits without termination.

Pension benefits are calculated in accordance with the City of Oakland agreement with the California Public Employees Retirement System and based on the service that she earned to the date of termination. These benefits are calculated to the end of a normal life expectancy. Pension benefits at the City and County of San Francisco are calculated in accordance with the San Francisco Employees Retirement System. These benefits are calculated to the end of a normal life expectancy. These benefits are also reduced to present cash value.

Conclusion

Please note that this report is preliminary. As additional information becomes available, I may augment or change my opinions. Additionally, please note that at this juncture, I have not received any economic loss analysis prepared on behalf of Ms. Preston. As such, I cannot comment upon such analysis at this point in time.

I have attached my CV, rate sheet and a list of testimonies in the past four years. If you have any questions, please do not hesitate to call me.

Sincerely,



Mark Cohen
Chief Economist

Attachments

COHEN | VOLK
ECONOMIC CONSULTING GROUP

1155 ALPINE ROAD
WALNUT CREEK, CA 94596
T 925.299.1200
F 925.482.0824
WWW.COHENVOLK.COM

PRELIMINARY ECONOMIC LOSS REPORT

Preston v. City of Oakland

April 1, 2015

Table 1**Summary of Economic Loss**I. Past Period:

Earnings and Benefits without Termination, Table 4:	\$ 303,303
Mitigation Earning Capacity, Table 5:	\$ (199,777)
Mitigation PERS Pension Benefits, Table 6:	<u>\$ (54,620)</u>
Past Economic Loss:	\$ 48,906

II. Future Period:

Earnings and Benefits without Termination, Table 6:	\$ 641,672
Pension Benefits without Termination, Table 7:	\$ 820,085
Mitigation Earning Capacity, Table 8:	\$ (595,547)
Mitigation PERS Pension Benefits, Table 10:	\$ (500,525)
Mitigation SFERS Pension Benefits, Table 9:	<u>\$ (260,133)</u>
Future Economic Loss:	\$ 105,553

III. Past and Future Periods:

Total Economic Loss:	<u>\$ 154,459</u>
-----------------------------	--------------------------

Table 2**Actuarial Data**

Date of Birth:	8/1/58	
Date of Termination:	10/3/13	
Date of Valuation:	9/15/15	
Age at Date of Loss:	55.17	years
Time Elapsed Between Date of Loss and Valuation:	1.95	years
Age at Date of Valuation:	57.12	years
Worklife Expectancy at Date of Valuation (1):	4.31	years
Life Expectancy at Date of Valuation (2):	26.90	years

1 - Based on CalPERS 2013 Actuarial Report for active female members.

2 - Based on all females. Life Tables; Vital Statistics of the United States.

Table 3**Average Annual Earnings**

<u>Year</u>	<u>Actual Earnings (1)</u>	<u>Adjustment (2)</u>	<u>Adjusted Earnings</u>
2009	\$ 151,768	1.1516	\$ 174,783
2010	\$ 146,113	1.1017	\$ 160,977
2011	\$ 151,308	1.0675	\$ 161,517
2012	\$ 166,750	1.0392	\$ 173,291
10/3/2013	\$ 126,467	1.0123	<u>\$ 128,027</u>
Average Annual Earnings 2009 - 10/3/13 (2013 dollars):			<u>\$ 168,022</u>

1 - Historical annual earnings per City of Oakland payroll.

2 - Adjustments to 2013 dollars based on actual changes in wages, per City of Oakland payroll.

Table 4**Past Earnings and Benefits without Termination**

<u>Dates</u>	<u>Period</u>	<u>Annual Earnings (1)</u>	<u>Period Loss</u>
10/3/13 - 6/30/14	0.74	\$ 168,022	\$ 124,337
7/1/14 - 9/14/15	1.21	\$ 169,703	\$ 205,340
Past Earnings and Benefits without Termination:			\$ 329,677
Fringe Benefits (2):			\$ (26,374)
Past Earnings and Benefits without Termination:			<u>\$ 303,303</u>

1 - See Table 3, "Average Annual Earnings." Effective 7/1/14, 1.0% increase, per "Agreement Between City of Oakland and Confidential Management Employees Association Unit U31, July 1, 2013 to June 30, 2015."

2 - Fringe benefits based on employee contribution to PERS retirement, equal to 8.0% of earnings. Information per City of Oakland, Retirement Benefit Information.

Table 5**Past Mitigation Earning Capacity**

<u>Dates</u>	<u>Period</u>	<u>Annual Earnings (1)</u>	<u>Period Earnings</u>
1/21/14 - 12/31/14	0.94	\$ 119,000	\$ 111,860
1/1/15 - 9/14/15	0.70	\$ 138,000	\$ 96,600
Past Mitigation Earnings:			\$ 208,460
Plus Mitigation Fringe Benefits (2):			\$ (8,683)
Past Mitigation Earning Capacity:			\$ 199,777

1 - Earnings in 2014 and 2015 per Ms. Preston's Supplemental Response to Interrogatory No. 11.

2 - Fringe benefits include employer contribution to Social Security and employee contribution to SFERS retirement. Employer contribution to Social Security equal to 6.2% of earnings, up to the maximum allowed, per Social Security Administration. Employee contribution to SFERS retirement equal to 7.5% of earnings, increasing to 11.5% of earnings effective 7/1/14. Information per SFERS website.

Table 6**Past PERS Mitigation Pension Benefits**

<u>Dates</u>	<u>Period</u>	<u>Annual Benefits (1)</u>	<u>Period Earnings</u>
10/3/13 - 4/30/15	1.57	\$ 28,068	\$ 44,067
5/1/15 - 9/14/15	0.37	\$ 28,523	\$ 10,553
Past PERS Mitigation Pension Benefits:			<u>\$ 54,620</u>

1 - PERS mitigation pension benefits equal to \$2,339 per month, per PERS on-line calculator. COLA, which begins the second full year of retirement, is equal to 1.62%, effective 5/1/15, per "The COLA Fact Sheet."

Table 7**Future Earnings and Benefits without Termination**

<u>Dates</u>	<u>Period</u>	<u>Annual Earnings (1)</u>	<u>Present Cash Value (2)</u>
9/15/15 - 1/5/20	4.31	\$ 169,703	\$ 697,470
Future Earnings and Benefits without Termination:			\$ 697,470
Fringe Benefits (3):			\$ (55,798)
Future Earnings and Benefits without Termination:			<u>\$ 641,672</u>

1 - See Table 4, "Past Earnings and Benefits without Termination."

2 - 2.25% net discount rate.

3 - See Table 4, "Past Earnings and Benefits without Termination."

Table 8**Future Pension Benefits without Termination**

<u>Dates</u>	<u>Period</u>	<u>Annual Benefits (1)</u>	<u>Present Cash Value (2)</u>
9/15/15 - 1/5/20	4.31	\$ -	\$ -
1/6/20 - 8/10/42	22.59	\$ 57,468	<u>\$ 820,085</u>

Future Pension Benefits without Termination: \$ 820,085

1 - Pension benefits equal to \$4,789 per month, per CalPERS on-line calculator.

2 - 2.25% net discount rate through 1/5/20, 3.5% net discount rate thereafter.

Table 9**Future Mitigation Earning Capacity**

<u>Dates</u>	<u>Period</u>	<u>Annual Earnings (1)</u>	<u>Present Cash Value (2)</u>
9/15/15 - 1/20/16	0.35	\$ 138,000	\$ 48,114
1/21/16 - 1/20/17	1.00	\$ 145,926	\$ 143,201
1/21/17 - 1/20/18	1.00	\$ 153,851	\$ 147,656
1/21/18 - 1/20/19	1.00	\$ 161,777	\$ 151,846
1/21/19 - 1/5/20	0.95	\$ 169,703	<u>\$ 148,073</u>
Future Mitigation Earnings:			\$ 638,890
Plus Mitigation Fringe Benefits (3):			<u>\$ (43,343)</u>
Future Mitigation Earning Capacity:			<u>\$ 595,547</u>

1 - See Table 5, "Past Mitigation Earning Capacity." Earnings increase annually through 1/21/19, five years of mitigation employment, to reach \$169,703 per year.

2 - 2.25% net discount rate.

3 - See Table 5, "Past Mitigation Earning Capacity."

Table 10**Future PERS Mitigation Pension Benefits**

<u>Dates</u>	<u>Period</u>	<u>Annual Earnings (1)</u>	<u>Present Cash Value (2)</u>
9/15/15 - 8/10/42	26.90	\$ 28,523	<u>\$ 500,525</u>
Future PERS Mitigation Pension Benefits:			<u>\$ 500,525</u>

1 - See Table 6, "Past PERS Mitigation Pension Benefits."

2 - 3.5% net discount rate.

Table 11**Future SFERS Mitigation Pension Benefits**

<u>Dates</u>	<u>Period</u>	<u>Annual Benefits (1)</u>	<u>Present Cash Value (2)</u>
9/15/15 - 1/4/20	4.30	\$ -	\$ -
1/5/20 - 8/10/42	22.60	\$ 18,220	<u>\$ 260,133</u>

Future SFERS Mitigation Pension Benefits: **\$ 260,133**

1 - SFERS mitigation pension equal to \$1,518 per month, per SFERS formula.

2 - 2.25% net discount rate through 1/5/20, 3.5% net discount rate thereafter.

COHEN | VOLK

ECONOMIC CONSULTING GROUP

1155 ALPINE ROAD
WALNUT CREEK, CA 94596
T 925.299.1200
F 925.482.0824
WWW.COHENVOLK.COM

MARK COHEN

CURRICULUM VITAE

FINANCIAL, STATISTICAL & REHABILITATION ECONOMIST

COHEN VOLK ECONOMIC CONSULTING GROUP, Walnut Creek, CA, 1995
to Present.

Principal, Chief Economist. Valuation of businesses and economic losses in business, personal injury, wrongful death, labor and marital litigation. Preparation of statistical analyses, vocational, labor and job market consultation and studies. Development and placement of structured settlement alternatives.

BAY AREA PSYCHOTHERAPY TRAINING INSTITUTE, Lafayette, CA, 1994 to 2001.

Member, Board of Directors. Consultation in the business development and management of this non-profit training institute.

THE UDINSKY GROUP, Berkeley, CA, 1984 to 1995.

Vice President. Valuation of businesses and economic losses in business, personal injury, wrongful death, labor and marital litigation. Preparation of statistical analyses, labor and job market consultation and studies. Development and placement of structured settlement alternatives.

TEACHING EXPERIENCE

DOMINICAN UNIVERSITY, San Rafael, CA, 1992 to 1998.

Adjunct Professor of Graduate Level International Finance, Monetary Systems and Investments, M.B.A. Program; Undergraduate Level International Finance and Investments, Business School Program.

EUROPEAN BUSINESS SCHOOL, Brussels, Belgium, 1991.

Adjunct Professor of Undergraduate Level Money and Banking, Statistics, and Management.

EDUCATION

UNIVERSITY OF CALIFORNIA AT BERKELEY. Bachelors of Science, Business Administration, 1982. Emphasis in Finance.

BOSTON UNIVERSITY. Masters of Science, Management, 1991. Emphasis in International Finance. Graduated first in class.

EDUCATION CONTINUED

ST. MARY'S COLLEGE. Masters of Arts, Counseling, 1998. Emphasis in Vocational Rehabilitation and Career Counseling.

LINDENWOOD COLLEGE: (1) Principles of Business Valuation, (2) Business Valuation Theory and Methodology, (3) Business Valuation: Selected Advanced Topics.

PUBLICATIONS AND INVITED PRESENTATIONS

"Income and Net Worth Analysis for Punitive Damages Testimony," presented to the American Rehabilitation Economics Association Reno, Nevada, June 2014.

"Economic Issues For Vocational Experts To Consider In Vocational Analysis," presented to the California Association of Rehabilitation and Re-Employment Professionals, Oakland, November 2002.

"Estimating Economic Loss To Injured Self Employed Workers," presented to the American Rehabilitation Economics Associations (AREA), Reno, May 1998.

"Methodologies to Improve Economic and Vocational Analysis in Personal Injury Litigation," with Thomas Yankowski, M.S., C.V.E., Litigation Economics Digest, National Association of Forensic Economics, Missouri. Volume II, Issue No. 2, Summer 1997. Also published in Vocational Evaluation and Work Adjustment Journal, The Professional Journal of The Vocational Evaluation and Work Adjustment Association, Volume 31, No. 3/4, Fall/Winter 1998.

"Vocational Evaluation and Economic Analysis in Personal Injury and Wrongful Termination Cases," with Thomas Yankowski, M.S., C.V.E., presented to the National Association of Rehabilitation Professional in the Private Sector, San Francisco, April 1995.

"The Economics of Employment Discharge and Your Case," with Jerald H. Udinsky, Ph.D., A.S.A., The Lawyer's Brief, Business Laws, Inc., Ohio. Volume 20, Issue No. 5, March 15, 1990.

"Estimation of Future Medical and Rehabilitation Care Costs: Issues and Questions for The Attention of Rehabilitation Professionals," presented to the Registered Nurses Professionals Association, Santa Clara Valley Medical Center, January 1990.

LICENSES, CERTIFICATIONS AND ASSOCIATIONS

Certified Earnings Analyst, American Rehabilitation Economics Association.
American Society of Appraisers, Business Valuation.
California State Licensed Life Insurance Agent.
American Economics Association.
Western Economic Association.
National Association of Forensic Economics.

COHEN | VOLK
ECONOMIC CONSULTING GROUP

1155 ALPINE ROAD
WALNUT CREEK, CA 94596
T 925.299.1200
F 925.482.0824
WWW.COHEENVOLK.COM

RATE SCHEDULE

Effective 1/1/15

\$360 per hour for review, consultation, analysis and travel

\$610 per hour, one-hour minimum, for deposition and trial testimony

MARK COHEN
LIST OF TESTIMONIES

<u>Date</u>	<u>Name</u>	<u>Memo</u>
2007	Seitz v. New Holland	Deposition testimony.
2007	Kuchta v. Neopost, Inc.	Deposition testimony.
2007	James v. Phillips Services Corp.	Deposition testimony.
2007	Singh v. Winchell's Donut Houses	Trial testimony.
2007	O'Neill v. City of Palo Alto	Deposition testimony.
2007	Piper v. Peralta Community College Dist.	Trial testimony.
2007	Merritt v. Modesto Disposal Service	Deposition testimony.
2007	Tripodi v. Rider	Deposition testimony.
2007	Housley v. CCSF and CHP	Deposition testimony.
2007	Pilare v. Matson	Deposition testimony.
2007	Pilare v. Matson	Trial testimony.
2007	West v. Kmart	Deposition testimony.
2007	Zottoli v. Erasmus	Deposition testimony.
2007	Nakamori v. DMC San Pablo	Deposition testimony.
2007	Ivance v. Asbestos Defendants	Trial testimony.
2007	Kuchta v. Neopost, Inc.	Trial testimony.
2007	Franklin v. Alameda County Sheriff's Dept.	Deposition testimony.
2007	Little v. RMC	Deposition testimony.
2007	Bloom v. Kaiser	Deposition testimony.
2007	Caro v. Enviro-Commercial Sweeping	Deposition testimony.
2007	Barajas v. Ramos	Deposition testimony.
2007	Loustalet v. Regents	Deposition testimony.
2007	Lopez v. Bimbo Bakeries	Deposition testimony.
2007	Lopez v. Bimbo Bakeries	Trial testimony.
2007	Silong v. USA	Deposition testimony.
2007	Bauto v. Best Collateral	Deposition testimony.
2007	Bauto v. Best Collateral	Trial testimony.
2007	Watkins v. Davis	Deposition testimony.
2007	Watkins v. Davis	Trial testimony.
2007	Erickson v. Torres	Deposition testimony.
2007	Erickson v. Torres	Trial testimony.
2007	Freed v. USA	Deposition testimony.
2007	Day v. Mt. Diablo Hospital	Deposition testimony.
2007	Day v. Mt. Diablo Hospital	Trial testimony.
2007	USA v. Union Pacific	Deposition testimony.
2007	Smith, Joe Alan v. Spears	Deposition testimony.
2007	Smith, Joe Alan v. Spears	Trial testimony.
2007	Hoang v. UWMC	Deposition testimony.
2007	Hoang v. UWMC	Trial testimony.
2007	Chang & Chen v. Charles Schwab	Deposition testimony.
2007	Khosravi v. Ball	Deposition testimony.
2007	Khosravi v. Ball	Trial testimony.
2007	Beals-Martin v. Connell's Glass	Deposition testimony.
2007	Shilaimon v. Ray	Deposition testimony.
2007	Price, Colleen v. Cordova	Deposition testimony.
2007	Moore v. Avon	Deposition testimony.
2007	Bartlett v. Reiger	Deposition testimony.
2007	Bartlett v. Reiger	Trial testimony.
2007	Salvador v. Aero Speed Mail	Deposition testimony.
2007	Dougherty v. Sears	Deposition testimony.

MARK COHEN
LIST OF TESTIMONIES

<u>Date</u>	<u>Name</u>	<u>Memo</u>
2007	Wing v. Horizon Lines	Deposition testimony.
2007	Huong Que v. Pro Enterprise	Deposition testimony.
2007	Thomas, Audrey v. San Leandro Hospital	Deposition testimony.
2008	Cole v. Joe's Trucking	Deposition testimony.
2008	Ewing v. USA	Deposition testimony.
2008	Williams, Billy v. Kaiser	Deposition testimony.
2008	Williams, Billy v. Kaiser	Arbitration testimony.
2008	Moss v. LOTA USA	Deposition testimony.
2008	Moss v. LOTA USA	Arbitration testimony.
2008	Abdelrahim v. Guardsmark	Trial testimony.
2008	Starr v. Rados, Inc.	Deposition testimony.
2008	Bavaro v. Curtis	Deposition testimony.
2008	Dalman v. Kaiser	Deposition testimony.
2008	Melchor v. Kaiser	Deposition testimony.
2008	Melchor v. Kaiser	Arbitration testimony.
2008	Day v. Mt. Diablo Hospital	Deposition testimony.
2008	Barnett v. Balciunas	Deposition testimony.
2008	Iten v. Guardsmark	Trial testimony.
2008	Perez v. Walmart	Deposition testimony.
2008	Dahl v. Jennaro	Deposition testimony.
2008	Lawlor v. Olsen	Trial testimony.
2008	Bush v. Allianz Life Insurance Co.	Deposition testimony.
2008	Cano v. Barcelo Enterprises	Deposition testimony.
2008	Gentry v. State Farm	Deposition testimony.
2008	Gentry v. State Farm	Arbitration testimony.
2008	Evans v. Benicia Housing Authority	Deposition testimony.
2008	Ewing v. USA	Trial testimony.
2008	Hernandez v. USA	Deposition testimony.
2008	Altamini v. Kaiser	Deposition testimony.
2008	Altamini v. Kaiser	Arbitration testimony.
2008	Dept. of Fair Employment v. Standards of Excellence	Deposition testimony.
2009	Perez v. Walmart	Trial testimony.
2009	Bolo v. Cisco Systems	Deposition testimony.
2009	Bolo v. Cisco Systems	Arbitration testimony.
2009	Kiser v. Ralph Lauren	Deposition testimony.
2009	Gove v. Kaiser	Deposition testimony.
2009	Dept. of Fair Employment v. Standards of Excellence	Trial testimony.
2009	Walton v. Amoroso	Deposition testimony.
2009	Sutton v. Krones	Deposition testimony.
2009	Roth v. Division I All Services	Deposition testimony.
2009	Ureta v. ABS-CBN International	Trial testimony.
2009	Lawrence v. Hartnell College	Deposition testimony.
2009	Guthrie v. City of Mill Valley	Trial testimony.
2009	Miller v. State of California	Trial testimony.
2009	Stanley v. Kaiser	Deposition testimony.
2009	Stanley v. Kaiser	Arbitration testimony.
2009	Nikolayew v. R House	Deposition testimony.
2009	Sacramento Hotel Partners v. Swinterton, et al.	Deposition testimony.
2009	Kaznowski v. Biesen-Bradley	Deposition testimony.
2009	Ehlert v. Stutsman & Ken Fowler Motors	Deposition testimony.

MARK COHEN
LIST OF TESTIMONIES

<u>Date</u>	<u>Name</u>	<u>Memo</u>
2009	McElroy v. Lane	Deposition testimony.
2009	Dobson v. Garcia	Deposition testimony.
2009	Grunwald v. Kaiser	Deposition testimony.
2009	Picchi v. West Star	Deposition testimony.
2009	Pappas v. ABC School District	Deposition testimony.
2009	Ballesteros v. United Road Service	Trial testimony.
2009	DeAnza Interiors v. Hsu	Deposition testimony.
2010	DeAnza Interiors v. Hsu	Deposition testimony.
2010	Howard v. Washington Township	Trial testimony.
2010	Kleinberg v. Corte Madera	Deposition testimony.
2010	Moran v. Quest Communications	Trial testimony.
2010	Masters v. Roberts	Deposition testimony.
2010	Masters v. Roberts	Trial testimony.
2010	Nikolayew v. R House	Trial testimony.
2010	Tilley v. Muir Orthopedics	Deposition testimony.
2010	Tilley v. Muir Orthopedics	Trial testimony.
2010	Mendez v. Mercy Hospital	Deposition testimony.
2010	Kierans v. Acupuncture & Integrative Medical	Deposition testimony.
2010	Oswalt v. Salinas Valley Memorial	Deposition testimony.
2010	Fox v. Good Samaritan Hospitals	Deposition testimony.
2010	Mendez v. Mercy Hospital	Deposition testimony.
2010	Masters v. Roberts	Trial testimony.
2010	Lui v. CCSF	Deposition testimony.
2010	Wences v. Congress, M.D.	Deposition testimony.
2010	O'Neal v. Baclof Auto Repair	Trial testimony.
2010	Aguilar v. CTB-McGraw Hill	Trial testimony.
2010	O'Connell v. UC Regents	Deposition testimony.
2010	Pierre v. Cox	Deposition testimony.
2010	Adge v. Sutter Memorial	Deposition testimony.
2010	Klaas v. Valley Care Health Systems	Deposition testimony.
2010	Hernandez v. CCC	Deposition testimony.
2010	Kim v. Interdent	Deposition testimony.
2010	Klaas v. Valley Care Health Systems	Trial testimony.
2010	Shen v. City of San Ramon	Deposition testimony.
2010	Pierre v. Cox	Trial testimony.
2010	Ballesteros v. United Road Service	Deposition testimony.
2010	Harper v. Adesa	Deposition testimony.
2010	Albert v. Denny Plumbing Company	Deposition testimony.
2010	Flair v. Adaptec	Deposition testimony.
2010	Ballesteros v. United Road Service	Trial testimony.
2010	Aranda v. Centex Homes	Trial testimony.
2010	Hernandez v. CCC	Trial testimony.
2010	Impey v. Office Depot	Deposition testimony.
2010	Dawe v. Corrections USA	Trial testimony.
2010	Winter v. Jervis	Deposition testimony.
2010	Lui v. CCSF	Trial testimony.
2010	Holt v. Doctors Medical Center	Deposition testimony.
2010	Gilmore-Green v. Kaiser	Deposition testimony.
2010	Loustalet v. Regents	Trial testimony.
2010	Taylor v. Rupley	Deposition testimony.

MARK COHEN
LIST OF TESTIMONIES

<u>Date</u>	<u>Name</u>	<u>Memo</u>
2010	Adams v. Safway	Deposition testimony.
2010	Pederson v. Fox Investment	Deposition testimony.
2010	Beauperthuy v. 24 Hour Fitness	Deposition testimony.
2011	Jacobs v. Medical Anesthesia Consultants	Arbitration testimony.
2011	Flair v. Adaptec	Trial testimony.
2011	Avakoff v. County of Santa Clara	Deposition testimony.
2011	Vanderheiden v. City of Alameda	Deposition testimony.
2011	McFadden v. Kaiser	Arbitration testimony.
2011	Thompson v. UC Regents	Arbitration testimony.
2011	Alvarez v. John Hopkins	Deposition testimony.
2011	Vanderheiden v. City of Alameda	Trial testimony.
2011	Hutson v. Raffle & Bar-K	Deposition testimony.
2011	Hutson v. Raffle & Bar-K	Trial testimony.
2011	Winter v. Jervis	Trial testimony.
2011	Lopez v. United Road Service	Trial testimony.
2011	Weiss v. Oroville Hospital	Deposition testimony.
2011	Neves v. Rounds Logging	Deposition testimony.
2011	Patino v. CHW	Deposition testimony.
2011	Khan v. Kaiser	Arbitration testimony.
2011	Clark v. Palo Alto Foundation	Deposition testimony.
2011	Savage v. State of California	Deposition testimony.
2011	Savage v. State of California	Trial testimony.
2011	Abdell All v. Stanford	Trial testimony.
2011	Lewis v. City of Benicia	Deposition testimony.
2011	Lewis v. City of Benicia	Trial testimony.
2011	Corbo v. Vascor	Deposition testimony.
2011	Corbo v. Vascor	Trial testimony.
2011	Nichols v. AC Transit	Deposition testimony.
2011	Impey v. Office Depot	Trial testimony.
2011	McElroy v. Lane	Trial testimony.
2011	Benson v. Newton	Deposition testimony.
2011	Uffer v. County of San Bernardino	Deposition testimony.
2011	Cole v. Joe's Trucking	Trial testimony.
2011	Stewart v. Kusumoto	Deposition testimony.
2011	Stewart v. Kusumoto	Trial testimony.
2011	Specialized Bicycles v. Volagi	Deposition testimony.
2012	Specialized Bicycles v. Volagi	Trial testimony.
2012	Hall v. Rugg	Deposition testimony.
2012	Duenas v. AC Transit	Deposition testimony.
2012	Brandt v. Freimuth	Deposition testimony.
2012	Reyes v. Lions Raisins	Deposition testimony.
2012	Reyes v. Lions Raisins	Trial testimony.
2012	Savemart v. Valley Pallet, et al.	Deposition testimony.
2012	Booker v. City of Richmond	Trial testimony.
2012	7 Dawn LLC v. Groundwell Construction	Deposition testimony.
2012	Dagnino v. Nurstech	Deposition testimony.
2012	Ike v. Ford Motor Company, et al.	Deposition testimony.
2012	Ross v. Redd	Deposition testimony.
2012	Ross v. Redd	Trial testimony.
2012	Myers v. Topflight	Trial testimony.

MARK COHEN
LIST OF TESTIMONIES

<u>Date</u>	<u>Name</u>	<u>Memo</u>
2012	Kammerer v. Alimak	Deposition testimony.
2012	Kammerer v. Alimak	Trial testimony.
2012	Smith v. Rafael Lumber	Deposition testimony.
2012	Smith v. Rafael Lumber	Trial testimony.
2012	Chevalier v. Kaiser	Deposition testimony.
2012	Chevalier v. Kaiser	Trial testimony.
2012	Benson v. Newton	Trial testimony.
2012	King v. SAM, Inc.	Deposition testimony.
2012	Castillo v. Lodgeworks	Deposition testimony.
2012	Bookhamer v. Sunbeam	Deposition testimony.
2012	Colfer v. Segue Construction	Deposition testimony.
2012	Colfer v. Segue Construction	Trial testimony.
2013	Arkay v. Akal Development Co.	Deposition testimony.
2013	EK Pneuma v. Great China	Trial testimony.
2013	Towfighi v. Associated Constructors	Deposition testimony.
2013	Arkay v. Akal Development Co.	Trial testimony.
2013	Savemart v. Valley Pallet, et al.	Trial testimony.
2013	Jolly v. Larsen & Turbo Infotech	Deposition testimony.
2013	Ehrlich v. Zlot, et al.	Deposition testimony.
2013	Cabrera v. Taylor Fresh Foods	Deposition testimony.
2013	Cabrera v. Taylor Fresh Foods	Trial testimony.
2013	Dereschuk v. Dereschuk	Deposition testimony.
2013	Dereschuk v. Dereschuk	Trial testimony.
2013	Singh v. Merlo, et al.	Deposition testimony.
2013	Kramer v. Dr. Pepper-Snapple	Trial testimony.
2013	Ehrlich v. Zlot, et al.	Trial testimony.
2013	Mathis v. J.S. Trucking, et al.	Deposition testimony.
2013	Adame v. Alcoa	Deposition testimony.
2013	Kidwell v. Ward	Deposition testimony.
2013	Smith v. Solanki	Deposition testimony.
2013	Longenecker v. Lawrence	Deposition testimony.
2013	Toma v. Singh	Deposition testimony.
2013	Seidman v. Allstate	Deposition testimony.
2013	Seidman v. Allstate	Arbitration testimony.
2013	Toma v. Singh	Trial testimony.
2013	Mangel v. State of California	Deposition testimony.
2013	Singh v. Merlo, et al.	Trial testimony.
2013	Calderon v. Shell	Deposition testimony.
2013	Longenecker v. Lawrence	Trial testimony.
2013	Peterson v. Metzger	Arbitration testimony.
2013	Salim v. Sunnyvale Acura	Deposition testimony.
2013	Fischler v. Roman Catholic Bishop	Trial testimony.
2013	Wigmore v. Kaiser	Deposition testimony.
2013	Wigmore v. Kaiser	Arbitration testimony.
2013	Salim v. Sunnyvale Acura	Deposition testimony.
2013	Salim v. Sunnyvale Acura	Trial testimony.
2013	Phoenician HOA v. Phoenician LLC	Deposition testimony.
2014	Hugger v. Hugger	Arbitration testimony.
2014	Duncan v. Airline Coach Service, Inc.	Deposition testimony.
2014	Estate of Fitzgerald v. CA State Auto Assn.	Deposition testimony.

MARK COHEN
LIST OF TESTIMONIES

<u>Date</u>	<u>Name</u>	<u>Memo</u>
2014	Morello v. Amco Insurance Co.	Deposition testimony.
2014	Deeik v. Klingman	Deposition testimony.
2014	Delara v. Sears & Roebuck	Trial testimony.
2014	McVeigh v. Recology	Deposition testimony.
2014	McVeigh v. Recology	Trial testimony.
2014	Cunningham v. Geico	Deposition testimony.
2014	Sorrento Pavillions v. East West Bank	Deposition testimony.
2014	Socratic Technologies v. Peerless Insight	Deposition testimony.
2014	Telesys Communications v. In Room Video	Deposition testimony.
2014	Harrison v. Taggard	Deposition testimony.
2014	Bird v. Dodson	Deposition testimony.
2014	Bisi v. Tong	Trial testimony.
2014	Mocettini v. Kenworth Truck Co.	Deposition testimony.
2014	Ivanov v. Stryker Corp.	Deposition testimony.
2014	Del La Renta v. GEICO	Deposition testimony.
2014	Horwath v. Kaiser	Arbitration testimony.
2014	Schauf v. Matson Navigation	Deposition testimony.
2015	Prickett v. Bonnier Corp., et al.	Trial testimony.
2015	Mocettini v. Kenworth Truck Co.	Trial testimony.
2015	Ayala-Salamat v. JIT Transportation	Deposition testimony.

ATTACHMENT E

DAN SIEGEL, SBN 56400
 SONYA Z. MEHTA, SBN 294411
 SIEGEL & YEE
 499 14th Street, Suite 300
 Oakland, California 94612
 Telephone: (510) 839-1200
 Facsimile: (510) 444-6698

Attorneys for Plaintiff
 DARYELLE LAWANNA PRESTON

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DARYELLE LAWANNA PRESTON,

Plaintiff,

vs.

CITY OF OAKLAND; DEANNA
 SANTANA, in her individual capacity; and
 DOES 1 through 10, inclusive,

Defendants.

Case No. 3:14-CV-02022 NC

**PLAINTIFF'S EXPERT WITNESS
 LIST**

Pretrial Conference: August 19, 2015

Time: 2:00 P.M.

Judge: Hon. Nathanael Cousins

Trial Date: September 14, 2015

The following is plaintiff's expert witness list and summary. The report and curriculum vitae are attached as Exhibit A.

1. Margo Ogus, damages expert.
2. Summary: Ms. Ogus will testify as to her analysis of plaintiff Ms. Preston's economic damages as a result of defendants the City and Santana's termination of her. Ms. Preston's total economic loss is \$839,575, assuming she will retire at 65. This includes:

- a. Past earnings loss: \$92, 050
- b. Future economic loss at present value: \$252,886
- c. Pension loss in present value: \$494,640

Dated: August 5, 2015

SIEGEL & YEE

By: /s/ Sonya Z. Mehta
Sonya Z. Mehta

Attorneys for Plaintiff
Daryelle LaWanna Preston

EXHIBIT A



EXPERT WITNESS REPORT

Re: Daryelle Lawanna Preston v. City of Oakland, et al.

United States District Court
Northern District of California
Case No. 3:14-cv-2022 NC

April 1, 2015

COMPLETED BY:

Dr. Margo Rich Ogus, Ph.D

CONTENTS:

Expert Witness Report (2 Pages)
Economic Loss Report (3 Pages)
Curriculum Vitae (1 Page)
Testimony Experience (4 Pages)

ECONOMIC SOLUTIONS, INC.

1000 Elwell Court, Suite 214 • Palo Alto, CA 94303 • (650) 330-0345 • www.economicsolutions.org



April 1, 2015

Sonya Mehta
Siegel & Yee
499 14th Street, Suite 220
Oakland, CA 94612

Re: Darryelle L. Preston v. City of Oakland

Dear Ms. Mehta:

Please find enclosed my report on Darryelle L. Preston's economic losses as a result of the termination of her employment from the City of Oakland. I have enclosed, as well, a copy of my current curriculum vitae and a list of cases in which I have provided deposition and trial testimony in the last four years.

In undertaking my analysis, I reviewed the following documents, which have been provided by your office:

- City of Oakland Personnel Action Record (OAK00000896)
- City of Oakland Salary document (OAK00000912)
- City of Oakland letter dated October 3, 2013 (OAK00000895)
- "City of Oakland Retirement Benefit Information Non-Sworn/Miscellaneous Employees"
- "SFERS Miscellaneous Plan – A8.603 Summary of Key Plan Provisions – as of January 2012"
- W2 earnings statements from City of Oakland for 2012 and 2013
- CALPERS 1099 for 2014
- W2 earnings statement from City and County of San Francisco for 2014
- CCSF paystubs for pay periods ending December 19, 2014 and February 13, 2015
- Verified Complaint for Damages and Injunctive Relief

I also reviewed life expectancy data which I maintain in my office.

Ms. Preston's total economic loss is \$839,575. This includes a past earnings loss of \$92,050, future economic loss, in present value, of \$252,886 and pension loss of \$494,640 in present value. Comments and assumptions utilized in the analysis are listed on page three.

Ms. Preston was promoted to the position of Employee Relations Director for the City of Oakland on January 7, 2012. Her base salary was \$157,358 per year at the time of her termination. I assumed that she would have received wage rate increases equal to three percent per year in January of 2014 and 2015.

In addition to her wages, Ms. Preston participated in the City of Oakland's CALPERS retirement plan, which is calculated separately. As an employee, she was obliged to contribute eight percent of her wages to the plan, which is shown in the Fringe Benefits column under "Earnings without Termination" on the first page of my report. No consideration has been taken of the health insurance coverage that she received in conjunction with her employment with the City of Oakland as they were replaced by like plans when she became employed at the City and County of San Francisco (CCSF).

Following the termination of her employment, Ms. Preston found new employment starting on January 20, 2014 with CCSF. Her wages in 2014 are reflected on her W2 earnings statement. Her current rate of pay is \$137,644 per year. In addition to her wages, she participates in the SFERS retirement plan and is obliged to contribute 11.5

ECONOMIC SOLUTIONS, INC.

1000 Elwell Court, Suite 214 • Palo Alto, CA 94303 • (650) 330-0345 • www.economicsolutions.org

percent of her wages to the plan, which is also shown in the Fringe Benefit column under "Earnings with Termination". You have asked me to assume that she will retire at age 65.

In addition to Ms. Preston's loss of earnings, she will sustain a loss of pension benefits. Had she not been terminated from the City of Oakland, she expected to retire at age 65 and would have received an annual pension of \$84,821 under the terms of Oakland's CALPERS 2.7% @ 55 plan. As a result of the termination of her employment and her new employment with CCSF, she will receive a pension from SFERS, following retirement at age 65, of \$34,982 per year. It is my understanding that she has received a payout of her prior CALPERS contributions and is not eligible for a CALPERS pension.

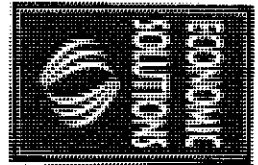
My opinions are also subject to revision, based on additional information to be obtained in discovery and/or from subsequent court proceedings. My compensation for this work is charged at a rate of \$425 per hour for everything except deposition and trial testimony, which is charged at a rate of \$600 per hour.

Sincerely,

A handwritten signature in cursive script that reads "Margo Rich Ogus".

Margo Rich Ogus, Ph.D
President

MRO/ji
Enclosures



DARRYLLE L. PRESTON - ECONOMIC LOSS

Date of Birth: 01-Aug-58
 Date of Hire: 17-Jul-07
 Date of Termination: 03-Oct-13

Year	Mo	Earnings without Termination			Earnings with Termination			Difference	Present Value
		Wages	Fringe Benefits	Total	Wages	Fringe Benefits	Total		
Past	2013	\$157,358	(\$12,589)	\$144,770	\$130,830	(\$10,466)	\$120,363	\$24,406	\$24,406
	2014	162,079	(12,966)	149,113	104,023	(11,963)	92,060	57,053	57,053
	2015	55,647	(4,452)	51,195	45,881	(5,276)	40,605	10,590	10,590
	2016	\$111,294	(\$8,904)	\$102,391	\$91,763	(\$10,553)	\$81,210	\$21,181	\$21,041
Future	2016	166,942	(13,355)	153,586	137,644	(15,829)	121,815	31,771	31,249
	2017	166,942	(13,355)	153,586	137,644	(15,829)	121,815	31,771	30,939
	2018	166,942	(13,355)	153,586	137,644	(15,829)	121,815	31,771	30,653
	2019	166,942	(13,355)	153,586	137,644	(15,829)	121,815	31,771	30,330
	2020	166,942	(13,355)	153,586	137,644	(15,829)	121,815	31,771	30,029
	2021	166,942	(13,355)	153,586	137,644	(15,829)	121,815	31,771	29,732
	2022	166,942	(13,355)	153,586	137,644	(15,829)	121,815	31,771	29,438
	2023	111,294	(8,904)	102,391	91,763	(10,553)	81,210	21,181	19,495

Past Economic Loss: \$92,050
 Future Economic Loss (PV): \$252,886
 Future Pension Loss (PV): \$494,640
Total Economic Loss (PV): \$839,575

ECONOMIC SOLUTIONS, INC.

1000 Elwell Court, Suite 214 • Palo Alto, CA 94303 • (650) 330-0345 • www.economicsolutions.org

1-Apr-15

DARRYELLE L. PRESTON - ECONOMIC LOSS

Date of Birth: 01-Aug-58
 Date of Hire: 17-Jul-07
 Date of Termination: 03-Oct-13

Year	Mo	Oakland		CCSF	
		Pension w/o Termination	Present Value	Pension with Termination	Present Value
2015		\$0	\$0	\$0	\$0
2016		0	0	0	0
2017		0	0	0	0
2018		0	0	0	0
2019		0	0	0	0
2020		0	0	0	0
2021		0	0	0	0
2022		0	0	0	0
2023		28,128	20,022	11,560	8,229
2024		84,384	57,757	34,681	23,738
2025		86,071	56,646	35,375	23,281
2026		87,793	55,557	36,082	22,833
2027		89,548	54,488	36,804	22,394
2028		91,339	53,440	37,540	21,964
2029		93,166	52,413	38,291	21,541
2030		95,030	51,405	39,056	21,127
2031		96,930	50,416	39,838	20,721
2032		98,869	49,447	40,634	20,322
2033		100,846	48,496	41,447	19,931
2034		102,863	47,563	42,276	19,548
2035		104,920	46,648	43,121	19,172
2036		107,019	45,751	43,984	18,803
2037		109,159	44,872	44,864	18,442
2038		111,342	44,009	45,761	18,087
2039		113,569	43,162	46,676	17,739
2040	5	47,320	17,693	19,448	7,272

Pension without Termination (PV):	\$839,784
Pension with Termination (PV):	345,145
Pension Loss (PV):	\$494,640

Comments and Assumptions

Earnings without Termination

1. Wage rate equal to \$157,358 per year, from City of Oakland Personnel Action Record, dated January 7, 2012
2. Three percent per year wage rate increases in January 2014 and 2015
3. Fringe benefits considered limited to offset of employee contributions to CALPERS, equal to eight percent of wages, from "City of Oakland Retirement Benefit Information Non-Sworn/Miscellaneous Employees"

Earnings with Termination

4. Wages in 2013 from W2 earnings statement from City of Oakland
5. Fringe benefits in 2013 as described in comment three, listed above
6. New employment at City and County of San Francisco (CCSF) on January 20, 2014
7. Wages in 2014 from W2 earnings statement from CCSF
8. Wages in 2015 and beyond based on wage rate equal to \$137,644 per year, from pay statement for pay period ending February 13, 2015
9. Fringe benefits considered limited to offset of employee contributions to SFERS, equal to 11.5 percent of wages, from "SFERS Miscellaneous Plan – A8.603 Summary of Key Plan Provisions – as of January 2012"

General

10. All future figures shown in current dollars
11. Retirement at age 65
12. Net discount rate of 1.0 percent, used to compute the present value of future earnings, is equal to the average historic difference between the interest rate on three-year U.S. Treasury bonds and the average increase in U.S. worker compensation

Loss of Pension

13. Pension loss is equal to the difference between Ms. Preston's expected pension following retirement from the City of Oakland and her expected pension following her retirement from the CCSF
14. Commencement of pension on September 1, 2023, following retirement
15. Pension from City of Oakland employment equal to \$84,821 per year, based on the CALPERS 2.7% at 55 plan
16. Pension from CCSF equal to \$34,982 per year, based on SFERS plan
17. Duration of pension loss equal to 25.2 years from now, Ms. Preston's statistical life expectancy, from "National Vital Statistics Reports", United States Life Tables, Vol. 62, No. 7, January 6, 2014, Division of Vital Statistics, published by the U.S. Department of Health and Human Services
18. Pensions increase at two percent per year from 2025
19. Discount rate of four percent, used to compute the present value of future pension payments



MARGO RICH OGUS

CURRENT POSITION

- President, Economic Solutions, Inc., Consultant and expert witness for both plaintiff and defense counsel in areas of economic loss in civil litigation

PREVIOUS POSITIONS

- Vice President, Spectrum Economics, Inc., Mountain View, California; consultant and expert witness in economic loss valuation in civil litigation
- Vice President and Principal, QED Research, Inc., Palo Alto, California; consultant and expert witness in economic loss valuation in civil litigation.
- Head of Commodity Analysis, Economics-Policy Research Department, Bank of America, San Francisco; economic and policy research related to price forecasting and market analysis of industrial and agricultural commodities.
- Research Assistant, Food Research Institute, Stanford University
- Lecturer, San Francisco State University

EDUCATION

- Ph.D., M.A., Stanford University, Applied Economics
Dissertation topic: "Economics of Residential Energy Conservation and Price Response"
- B.S. with Honors and Distinction, Cornell University, Agricultural Economics

RELEVANT EXPERIENCE

- Retained as economic expert and consultant in over 2,000 cases since 1985. Testified in state and federal courts on economic loss related to employment termination, discrimination, personal injury, medical malpractice and wrongful death.

PUBLICATIONS

- "Residential Energy Conservation and Price Response", U.S. Government
- "Commodity Forecasts", Bank of America

PROFESSIONAL ACTIVITIES

- National Association of Forensic Economics

ECONOMIC SOLUTIONS, INC.

1000 Elwell Court, Suite 214 • Palo Alto, CA 94303 • (650) 330-0345 • www.economicsolutions.org



DEPOSITION TESTIMONY

Margo Rich Ogus, Ph.D.
2011 through 2014

Abrea v. Treece & St. Luke Health	2012
Abrea v. Treece & St. Luke Health	2014
Aguilera v. Hilltown	2014
Aguilar v. State of CA	2012
Benjamin v. UPS	2013
Bertoli v. State of California	2014
Black v. USPS	2011
Branicki v. Roebbers	2013
Brown v. C.W. Driver	2013
Brown-Pruitt v. Oakland Coliseum	2014
Bui v. CCSF	2014
Burgess-Moffett v. Walmart	2011
Cabaniss v. PG&E	2014
Campbell et al. v. Dwayne Martin	2011
Captain v. K-Mart	2014
Carter v. Kone, et al	2012
Cortez v. Nongshim	2012
Cosa Del Zelle HOA v. Diamond	2014
Dale v. Santa Clara University	2011
Del Rosario v. Community Clinic Ole	2011
Deshayes v. Chew, MD, Alta Bates Summit Medical Center, et al	2012
Deshayes v. Chew, MD, Alta Bates Summit Medical Center, et al	2013
Doubt v. NCR	2013
Duenas v. AC Transit, et al	2012
Esquivel v. Sutter, et al	2014
Eze v. D&G Sanitation, et al	2014
Favorito v. Allied Insurance	2011
Fitzsimmons v. CEPG	2014
Francisco v. AC Transit	2014
Frisby v. Comcast	2011
Frisch v. Sullivan	2011
Fung v. On Lok	2011
Gallot v. California Dry Wall	2011
Gaur v. City of Hope	2012
Gersh v. Walmart	2014
Ghai v. Larson	2014
Gocke v. Verma	2013
Gottlieb v. Equinox	2011
Gray v. Angius	2013
Guan v. Natural Wonder	2013
Gutierrez v. The Meadows of Napa Valley	2011
Hammonds v. Stanford Hospital	2012
Haley v. Cohen & Steers	2012
Hanson v. San Bernardino County	2011
Harrison v. Foster City	2013
Hirshberg v. The Cooper Companies	2012
Hunwarden v. Taylor Properties	2012
Hussein v. Farmers Insurance Exchange	2012

ECONOMIC SOLUTIONS, INC.

1000 Elwell Court, Suite 214 • Palo Alto, CA 94303 • (650) 330-0345 • www.economicsolutions.org

Jackson, et al v. Bucci	2011
Johnson v. Yong Bin Yang	2012
Jones v. Roberts	2013
Jorge v. DeFonseca & Culinary Institute	2014
Kabiri v. CCSF	2014
Kao v. USF	2011
Kebric and Kingdon v. Oakland Raiders	2014
Kerr v. CCSF	2012
Keyzer v. UC Davis	2014
Khoury v. UC Riverside	2014
Kirchenbauer v. BART	2013
Klosek, et al v. Wells Fargo Bank	2011
Lee v. Caruso-Soares	2014
Lewis v. Save Mart Supermarkets	2012
Leyha v. Wright	2014
Lieberman v. Walmart	2014
Livingstone v. Bridges Country Club	2014
Manalo v. American Management Services	2012
Mancuso v. KPMG	2013
Mariolle v. Volvo Trucks	2012
Martin v. Clovis USD	2011
Mayorga v. Doctors Medical, et al	2013
Mendez v. Pick N Pull	2012
Miller v. Kaiser	2013
Mitchell v. City of Sonoma	2012
Montelongo v. Walmart	2012
Moreno v. AARP	2011
Moreno v. Delicato Vineyards	2012
Motil v. Cal-Pac Sonoma	2012
Murdoch v. Brock Solutions	2014
Murphy v. Chesley	2011
Naiman v. Oracle	2011
Narayanan and Fernandez v. The State of Nevada	2012
Niswonger v. PG&E	2013
Ortega & Yuan v. UC Regents	2012
Osborn v. Costco	2014
Patch v. State of California	2013
Patch v. State of California	2013
Pawlik v. Chin	2012
Pedowitz v. UCLA	2014
Pomeroy v. Walmart	2011
Poole v. CPMC	2014
Propheter v. Golden Gate Bridge	2014
Ramirez v. Brite, et al	2012
Raymundo v. Clinica de Salud De Salinas	2013
Rogers v. Asbestos Defendants	2013
Ruiz v. California Pacific Medical Center	2011
Russell v. A&R Automotive	2011
Salim v. Sunnyvale Acura	2013
Sappington v. Henkel	2011
Schauf v. Matson	2014
Schulter v. SJSU	2012
Schulter v. SJSU	2013
Schmidig v. Castro	2013
Shirling v. Farmers Insurance	2012

Silva-Medina v. McKinsey and Co.	2012
Taganas v. USA	2013
Taylor v. Carmel Plaza	2011
Tengan v. Babak Enterprises	2011
Tindall v. Hoedt	2011
Troncoso v. PG&E	2011
Tuttle v. Dal Tile, et al	2013
Tzvetanova v. Walmart	2013
Vargas v. One West Bank, et al	2012
Wang v. Natural Wonder	2013
Ward v. Future US, Inc	2011
Weadock v. Budman	2011
Williams v. PacBell	2013
Willnerd v. Sybase	2011
Wilson v. Harley-Davidson	2011

(last updated – January 2015)



TRIAL & ARBITRATION TESTIMONY

Margo Rich Ogus, Ph.D.
2011 through 2014

Aguilar v. State of California	Sonoma	2013
Alvarez v. Hess Corporation	Contra Costa	2011
Bock v. City of Healdsburg	Santa Rosa	2011
Burrell v. County of Santa Clara	San Jose – Federal	2013
Campbell, et al v. Dwayne Martin, et al	Sacramento	2011
Carter v. Kone, et al	Alameda	2012
Choy v. Toyota Berkeley	San Francisco – Arb	2014
Dale v. Santa Clara University	Santa Clara	2012
DeFine v. Citibank	San Francisco	2013
Deshayes v. Chew, Alta Bates	Alameda	2013
<u>Eze</u> v. D&G Sanitation, et al	Santa Cruz	2014
Fitsimons v. <u>CEPG</u>	Alameda	2014
Francisco v. AC Transit	Alameda	2014
Fung v. On Lok	San Francisco	2012
Gaur v. City of Hope	Los Angeles – Federal	2012
Gutierrez v The Meadows	Napa	2011
Hanselman v. FedEx	Alameda	2011
Hussein v. Farmers	Alameda	2012
Jackson v. Bucci	Solano	2011
Jacobs, et al v. Medical Anesthesia Consultants Grp	Contra Costa	2011
Jones v. Roberst	San Mateo	2014
Kao v. USF	San Francisco	2012
MacLean v. Hertz	San Diego	2011
Mariolle v. Volvo Trucks	San Francisco – Federal	2012
Miller v. Kaiser	San Francisco	2013
Miniello v. PG&E	San Francisco	2011
Moreno v. Delicato Vineyards	San Joaquin	2014
Murdock v. Brock Solutions	San Francisco	2014
Neustadter v. The Granada	San Francisco	2013
Niswonger v. PG&E	Santa Cruz	2013
Pedowitz v. UCLA	Los Angeles	2014
Raymundo v. Clínica de Salud De Salinas	Monterey	2013
Salim v. Sunnyvale Acura	Alameda	2013
Sappington v. Henkel	Contra Costa	2012
Shank v. CRST Trucking	San Bernardino	2011
Vanderheiden v. City of Alameda	Alameda	2011
Villanueva v. A&F	San Mateo	2011
Ward v. Future US, Inc	San Mateo	2011
Watkins v. Central Freight	Alameda	2012
Weadock v. Budman	San Francisco	2012

(Last updated – January 2015)

ECONOMIC SOLUTIONS, INC.

1000 Elwell Court, Suite 214 • Palo Alto, CA 94303 • (650) 330-0345 • www.economicsolutions.org

ATTACHMENT F

DARRYLLE LAWANNA PRESTON v. CITY OF OAKLAND, DEANNA SANTANA
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
COURT CASE NO. 14-CV-02022-NC

Jury Trial: Monday, September 14, 2015

JOINT TRIAL EXHIBIT LIST

EXHIBIT NO.	DOCUMENT DESCRIPTION	WITNESS	OBJECTED	ADMITTED
A	1/26/07 Employment Application with City of Oakland-Human Resource Manager (OAK 00000902-903)	Lawanna Preston		
B	4/12/07 City of Oakland, Administrative Instruction re Electronic Media Policy (Exhibit Q-Declaration of Sonia Mehta Opposition MSJ)	Judicial Notice		
C	7/1/08 Memorandum of Understanding between City of Oakland and International Association of Firefighters Local 55 (7/1/08 to 6/30/12)(LP 517-521)	Lawanna Preston Judicial Notice		
D	7/6/11 Employment Agreement by City of Oakland and Deanna Santana (Exhibit R-Declaration of Sonia Mehta Opposition MSJ) (LP 1-4)	Deanna Santana		
E	9/26/11 email from Andrea Gourdine to Darryelle LaWanna Preston re FW: Assistant City Administrators Johnson and Blackwell (LP 19-23)	Lawanna Preston	8/5/15 DEF Objection: Relevance (Fed.R.Evid. 401, 402) Hearsay (Fed. R. Evid. 801-803)	
F	11/6/11 email from Barbara Parker to Darryelle LaWanna Preston re Interference in Administration (LP 45-48)	Lawanna Preston Barbara Parker	8/10/15 PL Objection: FRE 401, 403, 802	
G	12/13/11 Agenda Report from Community and Economic Development Agency to Deanna Santana re Resolution Amending Resolution No. 83165 C.M.S. To Authorize An Increase In The Contract With Pulte Homes For The Construction Of The Rainbow Teen Center By \$30,699 From \$121,000 To \$151,699 To Pay For Prevailing Wage Costs (OAK 00000781-784)	Lawanna Preston Deanna Santana		

DARRYLLE LAWANNA PRESTON v. CITY OF OAKLAND, DEANNA SANTANA
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
COURT CASE NO. 14-CV-02022-NC

Jury Trial: Monday, September 14, 2015

JOINT TRIAL EXHIBIT LIST

EXHIBIT NO.	DOCUMENT DESCRIPTION	WITNESS	OBJECTED	ADMITTED
H	1/5/12 email from Howard Jordan to Deanna Santana re: Pulte re Rainbow (Exhibit 8-Deposition of Deanna Santana, Vol. 1) (OAK00010078-10080)	Deanna Santana Howard Jordon	8/10/15 PL Objection: FRE 401, 403, 802	
I	1/5/12 email from Deanna Santana to Desley Brooks, Fred Blackwell re Pulte re Rainbow (OAK 00000853-854)	Deanna Santana Fred Blackwell Desley Brooks		
J	1/6/12 email from Deanna Santana to Desley Brooks, Fred Blackwell re Pulte re Rainbow (OAK 00005495-5497)	Deanna Santana	8/10/15 PL Objection: FRE 401, 403	
K	1/20/12 email from Deanna Santana to Darryelle LaWanna Preston, Sabrina Landreth, Scott Johnson re LaWanna (LP 60-63)	Lawanna Preston Deanna Santana	8/10/15 PL Objection: FRE 401, 403, 802	
L	2/16/12 email from Karen Boyd to Deanna Santana, Scott Johnson, Fred Blackwell re SF Chronicle story about Rainbow Teen Center (OAK 00005661-5666)	Deanna Santana Alexandra Orologas	8/10/15 PL Objection: FRE 401, 403, 802	
M	2/16/12 Agenda Report from Fred Blackwell to Deanna Santana re Rainbow Teen Center (OAK 00000785-797)	Lawanna Preston Deanna Santana Fred Blackwell	8/10/15 PL Objection: FRE 401, 403, 802	
N	2/16/12 Agenda Report from Fred Blackwell, LaWanna Preston to Deanna Santana re Rainbow Teen Center, Signed by Santana on 2/16/12 (OAK 00000852)	Lawanna Preston Deanna Santana Fred Blackwell		
O	2/20/12 email from Deanna Santana to Barbara Parker re CONFIDENTIAL DRAFT re Rainbow Teen Center (LP 94-95)	Lawanna Preston Deanna Santana Fred Blackwell		

DARRYLLE LAWANNA PRESTON v. CITY OF OAKLAND, DEANNA SANTANA
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
COURT CASE NO. 14-CV-02022-NC

Jury Trial: Monday, September 14, 2015

JOINT TRIAL EXHIBIT LIST

EXHIBIT NO.	DOCUMENT DESCRIPTION	WITNESS	OBJECTED	ADMITTED
P	2/20/12 email from Barbara Parker to Doryanna Moreno, Deanna Santana, Fred Blackwell, Darryelle LaWanna Preston re BJP's redlined comments and questions and proposed edits (LP 96)	Lawanna Preston Deanna Santana Fred Blackwell Barbara Parker		
Q	2/24/12 Agenda Report from Fred Blackwell, Preston to Deanna Santana (Exhibit 1-Deposition of Fred Blackwell) (LP 97-119)	Lawanna Preston Deanna Santana Fred Blackwell Barbara Parker		
R	3/1/12 email from Darryelle LaWanna Preston to Sabrina Landreth, Alexandra Orologas, Deanna Santana re Paragraph (OAK 0013454-13458)	Lawanna Preston Deanna Santana Alexandra Orologas		
S	3/6/12 email from Darryelle LaWanna Preston to Deanna Santana re Sorry (Exhibit 3-Deposition of Darryelle Preston) (OAK00005703)	Lawanna Preston Deanna Santana		
T	3/6/12 email from Deanna Santana to Darryelle LaWanna Preston re Sorry (Exhibit 4-Deposition of Darryelle Preston) (OAK00005706)	Lawanna Preston Deanna Santana		
U	3/6/12 Video Recording of City Council Meeting, filed manually (Exhibit G-Declaration of Sonia Mehta Opposition MSJ) (Section 3:56:20-4:06:58 only)	Lawanna Preston Deanna Santana		
V	3/6/12 Memorandum from Fred Blackwell to Deanna Santana re Rainbow Teen Center (OAK 00001135-1138)	Lawanna Preston Fred Blackwell	8/10/15 PL Objection: FRE 401, 403, 802	
W	3/7/12 email from Deanna Santana to Fred Blackwell, Darryelle LaWanna Preston, Andrea Gouridine, Kip Walsh, Audree V. Taylor, Scott Johnson re Rainbow Teen Transition (OAK 0013481)	Lawanna Preston Deanna Santana Kip Walsh		

DARRYLLE LAWANNA PRESTON v. CITY OF OAKLAND, DEANNA SANTANA
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
COURT CASE NO. 14-CV-02022-NC

Jury Trial: Monday, September 14, 2015

JOINT TRIAL EXHIBIT LIST

EXHIBIT NO.	DOCUMENT DESCRIPTION	WITNESS	OBJECTED	ADMITTED
X	3/23/12 email from Teresa Reed to Lawanna Preston re: A couple of things (LP 522)	Lawanna Preston	8/5/15 DEF Objection: Relevance (Fed.R.Evid. 401, 402)	
Y	4/5/12 email from Deanna Santana to Howard Jordan re FYI...I don't know Gary (OAK 00005652-5654)	Deanna Santana Howard Jordon	8/10/15 PL Objection: FRE 401, 403, 802	
Z	Employee Performance Appraisal Form and Performance Plan for Lawanna Preston, April 30, 2011-May 1, 2012 (OAK00001077-1082)	Lawanna Preston Deanna Santana	8/5/15 DEF Objection: Foundation (Fed. R. Evid. § 602.) Relevance (Fed.R.Evid. 401, 402) Hearsay (Fed. R. Evid. 801-803). Not Authenticated (Fed. R. Evid. 901)	
1A	5/11/12 email from Darryelle Lawanna Preston to Scott Johnson re Katano Kasaine (LP 167-168)	Lawanna Preston Deanna Santana Scott Johnson	8/10/15 PL Objection: FRE 401, 403, 802	
1B	7/20/12 email from Darryelle Lawanna Preston to Deanna Santana re FW: Local 21 vs 12918 applicability in making a salary appointment. CONFIDENTIAL (LP 217-219)	Lawanna Preston Deanna Santana Andrea Gouridine	8/10/15 PL Objection: FRE 401, 403, 802	
1C	8/14/12 email from Katano Kasaine to Scott Johnson, Deanna Santana RE: Labor Questions from Fitch Ratings (OAK 00013405-13407)	Deanna Santana Katano Kasaine Scott Johnson	8/10/15 PL Objection: FRE 401, 403, 802	

DARRYLLE LAWANNA PRESTON v. CITY OF OAKLAND, DEANNA SANTANA
 UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 COURT CASE NO. 14-CV-02022-NC

Jury Trial: Monday, September 14, 2015

JOINT TRIAL EXHIBIT LIST

EXHIBIT NO.	DOCUMENT DESCRIPTION	WITNESS	OBJECTED	ADMITTED
1D	8/15/12 email from Darryelle Lawanna Preston to Deanna Santana re FW: Cobra Reimbursement for Susana Macarron (LP 220-224)	Lawanna Preston Deanna Santana		
1E	1/4/13 email from Deana Santana to Lawanna Preston, Howard Jordan, Philip Ewell re: FW: Letter regarding "Return of a Day" Jan 4, 2012 (OAK00000414-416)	Deanna Santana	8/5/15 DEF Objection: Relevance (Fed.R.Evid. 401, 402) Hearsay (Fed. R. Evid. 801-803)	
1F	1/29/13 Inter Office Memorandum from Sonia Lara to Darryelle Lawanna Preston re Response to Memorandum dated January 11, 2011 from Andrea R. Gourdine titled "Deborah Grant Incident Report" (LP 237-238)	Lawanna Preston Deanna Santana Sonia Lara	8/10/15 PL Objection: FRE 401, 403, 802	
1G	1/29/13 Inter Office Memorandum from Darryelle Lawanna Preston to Deanna Santana re Response to A. Gourdine memo dated January 11, 2011 (wrong date) (LP 239-240)	Lawanna Preston Deanna Santana	8/10/15 PL Objection: FRE 401, 403, 802	
1H	3/8/13 email from Deanna Santana to Darryelle LaWanna Preston re Agreement (OAK 00001828-1829)	Lawanna Preston Deanna Santana	8/10/15 PL Objection: FRE 401, 403, 802	
1I	3/8/13 email from Darryelle LaWanna Preston to Lamont Ewell re Fwd: agreement (OAK 00011906-11907)	Lawanna Preston Phillip Lamont Ewell	8/10/15 PL Objection: FRE 401, 403, 802	
1J	3/10/13 email from Darryelle LaWanna Preston to Deanna Santana re Agreement (OAK 00009247-9249)	Lawanna Preston Deanna Santana	8/10/15 PL Objection: FRE 401, 403, 802	

DARRYLLE LAWANNA PRESTON v. CITY OF OAKLAND, DEANNA SANTANA
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
COURT CASE NO. 14-CV-02022-NC

Jury Trial: Monday, September 14, 2015

JOINT TRIAL EXHIBIT LIST

EXHIBIT NO.	DOCUMENT DESCRIPTION	WITNESS	OBJECTED	ADMITTED
1K	Philip Lamont Ewell's Confidential Summary Report re: union negotiations, February 20, 2013 (LP 253-257)	Lawanna Preston Phillip Lamont Ewell	8/5/15 DEF Objection: Relevance (Fed.R.Evid. 401, 402) Hearsay (Fed. R. Evid. 801-803) Foundation Improper opinion (Fed. R. Evid. § 602)	
1L	3/21/13 City of Oakland Non-Interference in Administrative Affairs Performance Audit (FY 2009-2010, FY 2011-2012) (OAK 10697, 10715-10718)	Deanna Santana Courtney Ruby	8/10/15 PL Objection: FRE 401, 403, 802	
1M	4/2/13 email from Darryelle LaWanna Preston to Trinette Gist-Skinner, Deborah Grant, Kip Walsh, Katano Kasaine, Dennis C. Kong RE: Union due deductions (OAK 00000435-438)	Lawanna Preston Katano Kasaine Trinette Gist-Skinner Kip Walsh		
1N	5/19/13 email from Darryelle LaWanna Preston to Deanna Santana Re: Labor (OAK 00005390)	Lawanna Preston Deanna Santana		
1O	6/6/13 email from TC Everett to Judith Dalke, Darryelle LaWanna Preston, Sonia Lara re: Lawanna Preston stopped receiving emails yesterday (LP 271)	Lawanna Preston T.C. Everett	8/5/15 DEF Objection: Relevance (Fed.R.Evid. 401, 402) Hearsay (Fed. R. Evid. 801-803) Foundation (Fed. R. Evid. § 602)	

DARRYLLE LAWANNA PRESTON v. CITY OF OAKLAND, DEANNA SANTANA
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
COURT CASE NO. 14-CV-02022-NC

Jury Trial: Monday, September 14, 2015

JOINT TRIAL EXHIBIT LIST

EXHIBIT NO.	DOCUMENT DESCRIPTION	WITNESS	OBJECTED	ADMITTED
1P	Deanna Santana email to Katano Kasaine, etc. re: SEIU, August 6, 2013 (LP 321)	Deanna Santana Katano Kasaine	8/5/15 DEF Objection: Foundation (Fed. R. Evid. § 602) Relevance (Fed.R.Evid. 401, 402) Hearsay (Fed. R. Evid. 801-803)	
1Q	6/13/13 email from Alexandria Orologas to Darryelle LaWanna Preston, Deanna Santana, Scott Johnson re Weekly Labor/Budget Meetings (OAK 00000742)	Lawanna Preston Deanna Santana Alexandra Orologas		
1R	6/13/13 email from Deanna Santana to Darryelle LaWanna Preston re Costing Documents (OAK 0013615-13616)	Lawanna Preston Deanna Santana	8/10/15 PL Objection: FRE 401, 403, 802	
1S	6/13/13 email from Deanna Santana to Darryelle LaWanna Preston re Costing Documents (OAK 0013532-13534)	Lawanna Preston Deanna Santana	8/10/15 PL Objection: FRE 401, 403, 802	
1T	6/13/13 email from Deanna Santana to Darryelle LaWanna Preston re Costing Documents (OAK 0013645-13647)	Lawanna Preston Deanna Santana	8/10/15 PL Objection: FRE 401, 403, 802	
1U	6/13/13 email from Darryelle LaWanna Preston to Alexandra Orologas, Deanna Santana, Scott Johnson re Weekly Labor/Budget Meetings (OAK 00001822)	Lawanna Preston Deanna Santana Howard Jordon Alexandra Orologas	8/10/15 PL Objection: FRE 401, 403, 802	
1V	6/20/13 email from Trinette Gist-Skinner to Winnie Anderson, Donna Hom, Mark Hoffman, Stewart McGehee re Paramedic Support Program (PSP) (OAK 00013409)	Lawanna Preston Winnie Anderson Trinette Gist-Skinner		

DARRYLLE LAWANNA PRESTON v. CITY OF OAKLAND, DEANNA SANTANA
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
COURT CASE NO. 14-CV-02022-NC

Jury Trial: Monday, September 14, 2015

JOINT TRIAL EXHIBIT LIST

EXHIBIT NO.	DOCUMENT DESCRIPTION	WITNESS	OBJECTED	ADMITTED
1W	6/21/13 email from Winnie Anderson to Trinette Gist-Skinner, Donna Hom, Mark Hoffman, Stewart McGehee re: Paramedic Support Program (PSP) (OAK 00001017)	Lawanna Preston Winnie Anderson Trinette Gist-Skinner		
1X	6/24/13 email from Winnie Anderson to Trinette Gist-Skinner, Stewart McGehee, Mark Hoffman, Tracey Chin, Teresa DeLoach Reed re: Paramedic Support Program (PSP) (OAK 00001020-1023)	Lawanna Preston Winnie Anderson Trinette Gist-Skinner Teresa DeLoach Reed		
1Y	6/25/13 email from Winnie Anderson to Trinette Gist-Skinner re Paramedic Support Program (PSP) (OAK 00012115-12119)	Lawanna Preston Winnie Anderson Trinette Gist-Skinner Teresa DeLoach Reed		
1Z	6/25/13 email from Trinette Gist-Skinner to Winnie Anderson RE: Paramedic Support Program (PSP) (OAK 00001033-1046)	Lawanna Preston Winnie Anderson Trinette Gist-Skinner		
2A	6/26/13 email from Winnie Anderson to Darryelle LaWanna Preston re Failure to Collect Dues Grievance TPTs 06 26 (OAK 00007381-7382)	Lawanna Preston Deanna Santana Winnie Anderson Joe Keffer		
2B	6/26/13 email from Winnie Anderson to Joe Keffer, Darryelle LaWanna Preston, Deanna Santana, Sonia Lara, Anne Campbell-Washington, Scott Seneca, Pete Castelli re Failure to Collect Dues Grievance TPTs 06 26 (OAK 0013970)	Lawanna Preston Deanna Santana Winnie Anderson Joe Keffer		

DARRYLLE LAWANNA PRESTON v. CITY OF OAKLAND, DEANNA SANTANA
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
COURT CASE NO. 14-CV-02022-NC

Jury Trial: Monday, September 14, 2015

JOINT TRIAL EXHIBIT LIST

EXHIBIT NO.	DOCUMENT DESCRIPTION	WITNESS	OBJECTED	ADMITTED
2C	6/26/13 email from Joe Keffer to Darryelle LaWanna Preston, Deanna Santana, Winnie Anderson, Sonia Lara, Anne Campbell-Washington re Failure to Collect Dues Grievance TPTs 06 26 (Exhibit 6-Deposition of Darryelle LaWanna Preston)	Lawanna Preston Deanna Santana Winnie Anderson Joe Keffer Sonia Lara		
2D	6/28/13 Agreement between The City of Oakland and International Association of Firefighters, Local 55 (Exhibit 2-Deposition of Winnie Anderson) (OAK00005439)	Lawanna Preston Winnie Anderson Trinette Gist-Skinner Teresa DeLoach Reed		
2E	7/3/13 email from Darryelle LaWanna Preston to Barbara Parker, Doryanna Moreno, Jamie Smith re FW: Amending the Local 55 MOU (LP 283-285)	Lawanna Preston Deanna Santana Winnie Anderson Teresa DeLoach Reed		
2F	7/3/13 email from Winnie Anderson to Teresa DeLoach Reed, Darryelle LaWanna Preston re Local 55 (OAK 00001050)	Lawanna Preston Deanna Santana Winnie Anderson Teresa DeLoach Reed		
2G	7/3/13 email from Teresa DeLoach Reed to Deanna Santana to Winnie Anderson, Darryelle LaWanna Preston, Deanna Santana re Local 55 (OAK 00001051-1052)	Lawanna Preston Deanna Santana Winnie Anderson Teresa DeLoach Reed		
2H	7/3/13 email from Darryelle LaWanna Preston to Deanna Santana, Doryanna Moreno, Barbara Parker, Randolph Hall re Request for legal advice re Fire Chief's extension of Local 55 agreement/sideletter (LP 290-291)	Lawanna Preston Deanna Santana Barbara Parker		

DARRYLLE LAWANNA PRESTON v. CITY OF OAKLAND, DEANNA SANTANA
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
COURT CASE NO. 14-CV-02022-NC

Jury Trial: Monday, September 14, 2015

JOINT TRIAL EXHIBIT LIST

EXHIBIT NO.	DOCUMENT DESCRIPTION	WITNESS	OBJECTED	ADMITTED
2I	7/4/13 email from Darryelle LaWanna Preston to Desley Brooks re Fwd: Amending the Local 55 MOU (Exhibit E-Declaration of Darryelle Preston Opposition MSJ) (LP 286-289)	Lawanna Preston Deanna Santana Barbara Parker Desley Brooks		
2J	7/5/13 email from Winnie Anderson to Teresa DeLoach Reed, Darryelle LaWanna Preston, Deanna Santana re Local 55 (OAK 00007358-7359)	Lawanna Preston Deanna Santana Winnie Anderson Desley Brooks		
2K	7/5/13 email from Trinette Gist-Skinner to Preston, Winnie Anderson re PSP Program Status (Exhibit 3-Deposition of Teresa DeLoach Reed) (OAK00005436-5437)	Lawanna Preston Deanna Santana Winnie Anderson Trinette Gist-Skinner Teresa DeLoach Reed		
2L	7/6/13 email from Deanna Santana to Teresa DeLoach Reed, Darryelle LaWanna Preston, Deanna Santana, Donna Hom re: Closed Session PSP 7/3/13 (OAK 00005380-5384)	Lawanna Preston Deanna Santana Teresa DeLoach Reed		
2M	7/11/13 email from Darryelle LaWanna Preston to Zachary Unger, Teresa DeLoach Reed, Dan Robertson, Trinette Gist-Skinner, Winnie Anderson re FW: Any word? (OAK 00001056-1058)	Lawanna Preston Deanna Santana Winnie Anderson Trinette Gist-Skinner		
2N	7/11/13 email from Darryelle LaWanna Preston to LaTonda Simmons re FW: Correction Needed-W Anderson Pay Rate (OAK 00009297-9298)	Lawanna Preston Deanna Santana Sonia Lara Katano Kasaine LaTonda Simmons		
2O	7/12/13 email from Deanna Santana to Preston, Sonia Lara re Correction Needed-W Anderson Pay Rate (LP 294-295)	Lawanna Preston Deanna Santana		

DARRYLLE LAWANNA PRESTON v. CITY OF OAKLAND, DEANNA SANTANA
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
COURT CASE NO. 14-CV-02022-NC

Jury Trial: Monday, September 14, 2015

JOINT TRIAL EXHIBIT LIST

EXHIBIT NO.	DOCUMENT DESCRIPTION	WITNESS	OBJECTED	ADMITTED
2P	7/25/13 City of Oakland, Meeting Minutes re Special Meeting of the Oakland City Council (Exhibit F-Declaration of Sonia Mehta Opposition MSJ)	Judicial Notice		
2Q	7/26/13 email from Alexandra Orologas to Darryelle LaWanna Preston, Deanna Santana re MOU closed session reports (OAK 00000734)	Lawanna Preston Deanna Santana Alexandra Orologas	8/10/15 PL Objection: FRE 401, 403, 802	
2R	7/26/13 email from Deanna Santana to Darryelle LaWanna Preston, Alexandra Orologas re MOU closed session reports (OAK 00005404)	Lawanna Preston Deanna Santana Alexandra Orologas	8/10/15 PL Objection: FRE 401, 403, 802	
2S	7/29/13 email from Deanna Santana to Darryelle Lawanna Preston, Barbara Parker, Alexandria Orologas re OPOA Closed Session Labor Report TA annuitants 7/30/13 (LP 309-312)	Lawanna Preston Deanna Santana Alexandra Orologas Barbara Parker	8/10/15 PL Objection: FRE 401, 403, 802	
2T	7/30/13 email from Deanna Santana to Darryelle LaWanna Preston, Barbara Parker, Alexandra Orologas, Arturo M. Sanchez re FW: OPOA Closed Session Labor Report TA annuitants 7/30/13 (LP 313-316)	Lawanna Preston Deanna Santana Alexandra Orologas Barbara Parker	8/10/15 PL Objection: FRE 401, 403, 802	
2U	7/31/13 email from Zac Unger to Teresa DeLoach Reed, Stewart McGehee, Dan Robertson, Deanna Santana re Paramedic Support Program ends tomorrow (OAK 00005435)	Lawanna Preston Deanna Santana Teresa DeLoach Reed	8/10/15 PL Objection: FRE 401, 403, 802	
2V	8/1/13 email from Deanna Santana to Katano Kasaine, Preston, Alexandra Orologas, Fred Blackwell, Donna Hom re Scheduling Meeting on August 5, 2013 (Exhibit 2-Deposition of Deanna Santana) (LP 319)	Deanna Santana Katano Kasaine	8/10/15 PL Objection: FRE 401, 403, 802	

DARRYLLE LAWANNA PRESTON v. CITY OF OAKLAND, DEANNA SANTANA
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
COURT CASE NO. 14-CV-02022-NC

Jury Trial: Monday, September 14, 2015

JOINT TRIAL EXHIBIT LIST

EXHIBIT NO.	DOCUMENT DESCRIPTION	WITNESS	OBJECTED	ADMITTED
2W	8/5/13 email from Darryelle LaWanna Preston to Winnie Anderson, Katano Kasaine, Sonia Lara re Topics SEIU wishes to discuss on August 6 th , if you are available (Exhibit 5-Deposition of Darryelle Preston)	Lawanna Preston Winnie Anderson Sonia Lara Katano Kasaine		
2X	8/6/13 handwritten notes re SEIU TPT Discussion (Exhibit 2-Deposition of Sonia Lara) (OAK00014062-14063)	Winnie Anderson Sonia Lara Katano Kasaine		
2Y	8/6/13 handwritten notes re meeting with Katano Kasaine, Sonia Lara, Winnie Anderson (Exhibit 16-Deposition of Dwight McElroy)	Winnie Anderson Sonia Lara Katano Kasaine		
2Z	8/6/13 email from Winnie Anderson to Katano Kasaine, Preston, Sonia Lara re Issues raised by SEIU (Exhibit 2-Deposition of Katano Kasaine) (OAK00000987-988)	Lawanna Preston Winnie Anderson Sonia Lara Katano Kasaine		
3A	8/6/13 email from Deanna Santana to Darryelle Lawanna Preston, Amber Todd re TPT Meetings (LP 340-341)	Lawanna Preston Deanna Santana	8/10/15 PL Objection: FRE 401, 403, 802	
3B	8/13/13 email from Donna Hom to Darryelle LaWanna Preston, Amber Todd RE: ER staff assignments (OAK 0013862)	Lawanna Preston Deanna Santana Donna Hom	8/10/15 PL Objection: FRE 401, 403, 802	
3C	8/16/13 email from Darryelle LaWanna Preston to Deanna Santana, Amber Todd re TPT Meetings (OAK 00000447-450)	Lawanna Preston Deanna Santana	8/10/15 PL Objection: FRE 401, 403, 802	
3D	8/19/13 email from Scott Johnson to Sonia Lara, Trinet Gist-Skinner, Teresa DeLoach Reed, Arturo M. Sanchez, Deanna Santana, Darryelle LaWanna Preston, Katano Kasaine re FW: PSP vote (OAK00006986)	Lawanna Preston Sonia Lara Scott Johnson		

DARRYLLE LAWANNA PRESTON v. CITY OF OAKLAND, DEANNA SANTANA
 UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 COURT CASE NO. 14-CV-02022-NC

Jury Trial: Monday, September 14, 2015

JOINT TRIAL EXHIBIT LIST

EXHIBIT NO.	DOCUMENT DESCRIPTION	WITNESS	OBJECTED	ADMITTED
3E	9/2/13 City of Oakland Grievance Form, Temporary Part Time (TPT) Contract (OAK 00010696)	Lawanna Preston		
3F	9/3/13 Agenda Report from Teresa DeLoach Reed to Deanna Santana re Changes to the Promoted Paramedic Support Program (LP 354-356)	Deanna Santana Teresa DeLoach Reed		
3G	9/5/13 email from Joe Keffer to Darryelle LaWanna Preston, Deanna Santana, Jean Quan re Failure to Collect Dues Grievance (Exhibit A-Declaration of Deanna Santana MSJ) (OAK00013425-13426)	Lawanna Preston Deanna Santana Katano Kasaine Joe Keffer Jean Quan		
3H	9/6/13 City of Oakland & SEIU Contract Bargaining, Union Counter to City (Exhibit 24-Deposition of Dwight McElroy)	Lawanna Preston Dwight McElroy		
3I	9/10/13 email from Katano Kasaine, Darryelle LaWanna Preston, Deanna Santana, Sonia Lara re Failure to Collect Dues Grievance (LP 369-371)	Lawanna Preston Deanna Santana Katano Kasaine		
3J	9/10/13 email from Lawanna Preston to Katano Kasaine, Deanna Santana, Sonia Lara re: Failure to Collect Dues Grievance (LP 372-373)	Lawanna Preston	Stipulated	
3K	9/10/13 email from Deanna Santana, Katano Kasaine, Preston, Sonia Lara re Failure to Collect Dues Grievance (Exhibit 5-Deposition of Katano Kasaine) (OAK00010331)	Lawanna Preston Deanna Santana Katano Kasaine		
3L	9/11/13 email from Deanna Santana to Darryelle LaWanna Preston re Requesting Reports (OAK 00000115-116)	Lawanna Preston Deanna Santana Katano Kasaine Sonia Lara		

DARRYLLE LAWANNA PRESTON v. CITY OF OAKLAND, DEANNA SANTANA
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
COURT CASE NO. 14-CV-02022-NC

Jury Trial: Monday, September 14, 2015

JOINT TRIAL EXHIBIT LIST

EXHIBIT NO.	DOCUMENT DESCRIPTION	WITNESS	OBJECTED	ADMITTED
3M	9/12/13 email from Darryelle LaWanna Preston to Sandre Swanson re Fwd: SEIU grievance regarding withholding of union dues (LP 380)	Lawanna Preston Deanna Santana Sandre Swanson		
3N	9/12/13 email from Deanna Santana to Darryelle LaWanna Preston, Barbara Parker RE: SEIU grievance regarding withholding of union dues (OAK 0013488)	Lawanna Preston Deanna Santana Barbara Parker		
3O	9/12/13 email from Darryelle LaWanna Preston to Dan Siegel re FW: SEIU grievance regarding withholding of union dues (OAK 00005395)	Lawanna Preston Deanna Santana Dan Siegel	8/10/15 PL Objection: FRE 401, 403, 501-502	
3P	9/15/13 email from Darryelle LaWanna Preston to Deanna Santana re Temporary Part Time Employee Bargaining (LP 384-386)	Lawanna Preston Deanna Santana		
3Q	9/15/13 email from Darryelle LaWanna Preston to Sonia Lara re FW: Temporary Part Time Employee Bargaining (OAK 00000179-186)	Lawanna Preston Deanna Santana Sonia Lara		
3R	9/15/13 email from Deanna Santana to Darryelle LaWanna Preston re Attached closed session report (OAK 00001130-1133)	Lawanna Preston Deanna Santana		
3S	9/17/13 email from Deanna Santana to Darryelle LaWanna Preston re Fwd: SEIU Part Time MOU closed session report (LP 387)	Lawanna Preston Deanna Santana		
3T	9/17/13 email from Darryelle LaWanna Preston to Deanna Santana, Barbara Parker re SEIU grievance regarding withholding of union dues (LP 390-391)	Lawanna Preston Deanna Santana Barbara Parker		

DARRYLLE LAWANNA PRESTON v. CITY OF OAKLAND, DEANNA SANTANA
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
COURT CASE NO. 14-CV-02022-NC

Jury Trial: Monday, September 14, 2015

JOINT TRIAL EXHIBIT LIST

EXHIBIT NO.	DOCUMENT DESCRIPTION	WITNESS	OBJECTED	ADMITTED
3U	9/17/13 email from Darryelle LaWanna Preston to Dan Siegel re Salary ordinance for Employee Relations staff (OAK 00001772-1784)	Lawanna Preston Deanna Santana Dan Siegel	8/10/15 PL Objection: FRE 401, 403, 501-502	
3V	9/18/13 email from Deanna Santana to Darryelle LaWanna Preston, Barbara Parker re SEIU grievance regarding withholding of union dues (LP 407-408)	Lawanna Preston Deanna Santana Barbara Parker		
3W	9/19/13 email from Darryelle LaWanna Preston to Barbara Parker, Doryanna Moreno re FW: Failure to Collect Dues Grievance (LP 409-412)	Lawanna Preston Deanna Santana Barbara Parker		
3X	9/27/13 email from Deanna Santana to Joe Keffer re Failure to Collect TPT Dues or Agency Fees Greivance (Exhibit 6-Deposition of Joe Keffer) (LP 425)	Deanna Santana Joe Keffer		
3Y	9/27/13 email from Barbara Parker to Deanna Santana re SEIU grievance regarding withholding of union dues (OAK 00014080-14081)	Lawanna Preston Deanna Santana Barbara Parker		
3Z	9/27/13 email from Joe Keffer to Deanna Santana, Lawanna Preston, Anne Campbell-Washington, Barbara Parker re Failure to Collect TPT Dues or Agency Fees Grievance (McElroy deposition Exhibit 20)	Deanna Santana Joe Keffer	Stipulated	
4A	9/28/13 email from Donna Hom to Deanna Santana RE: SEIU grievance regarding withholding of union dues (OAK 00014074-14075)	Deanna Santana Donna Hom		
4B	9/29/13 email from Donna Hom to Deanna Santana, Arturo Sanchez re SEIU grievance regarding withholding of union dues (Exhibit 5-Deposition of Deanna Santana) (OAK00010211-10213)	Deanna Santana Donna Hom		

DARRYLLE LAWANNA PRESTON v. CITY OF OAKLAND, DEANNA SANTANA
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
COURT CASE NO. 14-CV-02022-NC

Jury Trial: Monday, September 14, 2015

JOINT TRIAL EXHIBIT LIST

EXHIBIT NO.	DOCUMENT DESCRIPTION	WITNESS	OBJECTED	ADMITTED
4C	9/29/13 email from Darryelle LaWanna Preston to Barbara Parker, Deanna Santana re FW: Compliant RE: SEIU Dues deduction grievance 9/2/13 (interfering an investigation) (LP 434)	Lawanna Preston Deanna Santana		
4D	9/29/13 email from Darryelle LaWanna Preston to Cheryl Thompson re Complaint RE: SEIU Dues deduction grievance 9/2/13 (interfering an investigation) (LP 435-436)	Lawanna Preston Deanna Santana Cheryl Thompson		
4E	9/29/13 email from Darryelle LaWanna Preston to Sandre Swanson re FW: Failure to Collect TPT Dues or Agency Fees Grievance (OAK 00001121)	Lawanna Preston Deanna Santana Sandre Swanson Dan Siegel		
4F	9/29/13 email from Darryelle LaWanna Preston to Sandre Swanson re FW: Failure to Collect TPT Dues or Agency Fees Grievance (OAK 00001122)	Lawanna Preston Deanna Santana Sandre Swanson Dan Siegel		
4G	9/29/13 email from Darryelle LaWanna Preston to Cheryl Thompson re Compliant RE: SEIU Dues deduction grievance 9/2/13 (interfering an investigation) (LP 435-436)	Lawanna Preston Deanna Santana Cheryl Thompson		
4H	9/29/13 email from Darryelle LaWanna Preston to Dan Siegel re FW: Compliant RE: SEIU Dues deduction grievance 9/2/13 (interfering an investigation) (OAK 00005478)	Lawanna Preston Deanna Santana Barbara Parker Dan Siegel	8/10/15 PL Objection: FRE 401, 403, 501-502	
4I	9/29/13 email from LaTonda Simmons to Darryelle LaWanna Preston re FW: Compliant RE: SEIU Dues deduction grievance 9/2/13 (interfering an investigation) (OAK 00005476-5477)	Lawanna Preston Deanna Santana LaTonda Simmons		

DARRYLLE LAWANNA PRESTON v. CITY OF OAKLAND, DEANNA SANTANA
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
COURT CASE NO. 14-CV-02022-NC

Jury Trial: Monday, September 14, 2015

JOINT TRIAL EXHIBIT LIST

EXHIBIT NO.	DOCUMENT DESCRIPTION	WITNESS	OBJECTED	ADMITTED
4J	9/30/13 email from John Lois to Deanna Santana, Oliver Cunningham re Internal Affairs Investigation (Exhibit 6-Deposition of Sonia Lara (OAK 00010579-10621)	Deanna Santana John Lois	8/10/15 PL Objection: FRE 401, 403, 802	
4K	10/1/13 email from Katano Kasaine to Dwight McElroy re Meeting Re: TPT Grievance (Exhibit 21-Deposition of Dwight McElroy)	Katano Kasaine Dwight McElroy		
4L	10/1/13 email from Alexandra Orologas to Joe Keffer re Response to SEIU's Grievance and Meeting Request (Exhibit 23-Deposition of Dwight McElroy)	Deanna Santana Alexandra Orologas Joe Keffer		
4M	10/1/13 email from Darryelle LaWanna Preston to Sonia Lara re FW: Information Request (OAK 00001833-1836)	Lawanna Preston Deanna Santana Winnie Anderson Sonia Lara		
4N	10/2/13 email from Winnie Anderson to Darryelle LaWanna Preston re Information Request (OAK 0013854-13856)	Lawanna Preston Deanna Santana Winnie Anderson Sonia Lara		
4O	10/2/13 email from Winnie Anderson to Sequonite Buggs, Angela Osayande, Darryelle LaWanna Preston, Sonia Lara re Information Request (OAK 00010395-10398)	Lawanna Preston Deanna Santana Winnie Anderson Sonia Lara		

DARRYLLE LAWANNA PRESTON v. CITY OF OAKLAND, DEANNA SANTANA
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
COURT CASE NO. 14-CV-02022-NC

Jury Trial: Monday, September 14, 2015

JOINT TRIAL EXHIBIT LIST

EXHIBIT NO.	DOCUMENT DESCRIPTION	WITNESS	OBJECTED	ADMITTED
4P	10/2/13 City/SEIU Local 1021 TPT Negotiations 2013 Tentative Agreement (Keffer deposition exhibit 13)	Lawanna Preston Joe Keffer	8/5/15 DEF Objection: Relevance, (Fed.R.Evid. 401, 402) Subsequent remedial measures (Fed.R.Evid. 407)	
4Q	10/3/13 City of Oakland Notice of Termination of Employment (Exhibit 1-Deposition of Deanna Santana) (OAK00000894-895)	Lawanna Preston Deanna Santana		
4R	10/3/13 email from Deanna Santana to Darryelle LaWanna Preston re Services No Longer Needed (LP 440-442)	Lawanna Preston Deanna Santana		
4S	12/18/13 email from Sharon Holman to Katano Kasaine re FW: SEIU Local 1021: Audit-Active Non-Payers (OAK 00010684-10686)	Lawanna Preston		
4T	12/11/13 email from Katano Kasaine to Deanna Santana re: Fwd: meeting with SEIU on their grievance (OAK00005676)	Sonia Lara	8/5/15 DEF Objection: Relevance (Fed.R.Evid. 401, 402) Subsequent remedial measures (Fed.R.Evid. 407) Foundation (Fed. R. Evid. § 602)	
4U	12/20/13 email from Winnie Anderson to Alan Crowley re Letter to SEIU TPT employees re: Agency Fees (OAK 0010648-10675)	Winnie Anderson		

DARRYLLE LAWANNA PRESTON v. CITY OF OAKLAND, DEANNA SANTANA
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
COURT CASE NO. 14-CV-02022-NC

Jury Trial: Monday, September 14, 2015

JOINT TRIAL EXHIBIT LIST

EXHIBIT NO.	DOCUMENT DESCRIPTION	WITNESS	OBJECTED	ADMITTED
4V	3/17/14 Filed Summons and Complaint (Exhibit 1-Deposition of Darryelle LaWanna Preston)	Lawanna Preston	8/10/15 PL Objection: FRE 401, 403, 802	
4W	3/19/14 SF Gate Article re Ex-Oakland Employees Lost Job for Refusing to Lie	Judicial Notice	8/10/15 PL Objection: FRE 401, 403, 802	
4X	4/2/14 Dan Siegel video clip on Darryelle LaWanna Preston Lawsuit	Judicial Notice	8/10/15 PL Objection: FRE 401, 403	
4Y	6/30/14 Oakland Council District 6 Race Campaign Finance Contributions	Lawanna Preston	8/10/15 PL Objection: FRE 401, 403	
4Z	6/10/15 Declaration of Darryelle LaWanna Preston in support of opposition to defendants' motion for summary judgment	Lawanna Preston	8/10/15 PL Objection: FRE 401, 802	
5A	Undated Lawanna D. Preston Resume (Exhibit A-Declaration of Darryelle Preston Opposition MSJ) (LP 450-451)	Lawanna Preston		
5B	Undated Oakland City Council Ordinance Amending Salary Schedule (Exhibit 6-Deposition of Katano Kasaine) (OAK00000032)	Judicial Notice		
5C	Undated Investigative Report-SEIU Grievance to City of Oakland re Temporary Part Time (TPT) Contract (Exhibit 1-Deposition of Otis McGee)	Otis McGee, Jr.	8/10/15 PL Objection: FRE 401, 403, 802	
5D	Alameda County Grand Jury Report (2012-2013)	Judicial Notice	8/10/15 PL Objection: FRE 401, 403, 802	

DARRYLLE LAWANNA PRESTON v. CITY OF OAKLAND, DEANNA SANTANA
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
COURT CASE NO. 14-CV-02022-NC

Jury Trial: Monday, September 14, 2015

JOINT TRIAL EXHIBIT LIST

EXHIBIT NO.	DOCUMENT DESCRIPTION	WITNESS	OBJECTED	ADMITTED
5E	Plaintiff's Responses to Request for Production of Documents (Set One) (Served on 11/19/14)	Lawanna Preston	8/10/15 PL Objection: FRE 401, 403, 802	
5F	Plaintiff's Supplemental Responses to Request for Production of Documents (Set One) (Served on 2/10/15)	Lawanna Preston	8/10/15 PL Objection: FRE 401, 403, 802	
5G	Plaintiff's Responses to Special Interrogatories (Set One), with Verification (Served on 11/19/14)	Lawanna Preston	8/10/15 PL Objection: FRE 401, 403, 802	
5H	Plaintiff's Supplemental Responses to Special Interrogatories (Set One), with Verification (Served on 1/29/15)	Lawanna Preston	8/10/15 PL Objection: FRE 401, 403, 802	
5I	Plaintiff's Responses to Request for Admissions (Set One) (Served on 2/30/15)	Lawanna Preston	8/10/15 PL Objection: FRE 401, 403, 802	
5J	1/12/12 email from Alexandra Orologas to LaWanna Preston, Scott Johnson re ER move (LP 59)	Lawanna Preston	Stipulated	
5K	2/15/12 email from LaWanna Preston to Alexandra Orologas re Paragraph for LaWanna's Review (OAK 716)	Lawanna Preston	8/5/15 DEF Objection: Relevance (Fed.R.Evid. 401, 402)	
5L	7/3/13 email from Teresa DeLoach Reed to Winnie Anderson, LaWanna Preston, Deanna Santana re Local 55 (OAK 1054-1055)	Teresa DeLoach Reed	8/5/15 DEF Objection: Incomplete Document (Fed.R.Evid. 106)	

DARRYLLE LAWANNA PRESTON v. CITY OF OAKLAND, DEANNA SANTANA
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
COURT CASE NO. 14-CV-02022-NC

Jury Trial: Monday, September 14, 2015

JOINT TRIAL EXHIBIT LIST

EXHIBIT NO.	DOCUMENT DESCRIPTION	WITNESS	OBJECTED	ADMITTED
5M	7/5/13 email from Deanna Santana to Teresa DeLoach Reed re PSP (OAK 1053)	Deanna Santana	8/5/15 DEF Objection: Incomplete Document (Fed.R.Evid. 106) Relevance (Fed.R.Evid. 401, 402) Hearsay (Fed.R.Evid. 801-803)	
5N	8/6/13 email from Deanna Santana to Katano Kasaine, Donna Hom, Alexandra Orologas, LaWanna Preston, Scott Johnson re TPT-ppt workplan (LP 321)	Deanna Santana Katano Kasaine	8/5/15 DEF Objection: Foundation (Fed.R.Evid. 602) Relevance (Fed.R.Evid. 401, 402) Hearsay (Fed.R.Evid. 801-803)	
5O	8/19/13 email from Arturo Sanchez to Trinette Gist-Skinner, Scott Johnson, Amber Todd, Teresa DeLoach Reed re FW: PSP vote (OAK 6982-6983)	Teresa DeLoach Reed	8/5/15 DEF Objection: Relevance (Fed.R.Evid. 401, 402) Hearsay (Fed.R.Evid. 801-803)	

DARRYELLE LAWANNA PRESTON v. CITY OF OAKLAND, DEANNA SANTANA
 UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 COURT CASE NO. 14-CV-02022-NC

Jury Trial: Monday, September 14, 2015

JOINT TRIAL EXHIBIT LIST

EXHIBIT NO.	DOCUMENT DESCRIPTION	WITNESS	OBJECTED	ADMITTED
5P	10/14/13 email from Barbara Parker to Joe Keffer, Deanna Santana, Donna Hom, Alexandra Orologas re TPT Dues Grievance (Exh. 11 to Keffer Deposition)	Joe Keffer	<p>8/5/15 DEF Objection: Relevance (Fed.R.Evid. 401, 402)</p> <p>Subsequent Remedial Measures (Fed.R.Evid. 407)</p> <p>Hearsay (Fed.R.Evid. 801-803)</p> <p>More Prejudicial than Probative (Fed.R.Evid. 403)</p>	

N:\Oak\Pres\Trial\Joint Trial Exh List.doc

ATTACHMENT G

DAN SIEGEL (SBN 56400)
SONYA Z. MEHTA (SBN 294411)
SIEGEL & YEE
499 14th Street, Suite 300
Oakland, California 94612
Telephone: (510) 839-1200
Facsimile: (510) 444-6698

Attorneys for Plaintiff
DARYELLE LAWANNA PRESTON

BARBARA J. PARKER (SBN 069722)
OTIS McGEE, JR. (SBN 071885)
MARIA BEE (SBN 167716)
JENNIFER N. LOGUE (SBN 241910)
One Frank H. Ogawa Plaza, 6th Floor
Oakland, California 94612
Telephone: (510) 238-3589
Facsimile: (510) 238-6500
29892:1647767

LAFAYETTE & KUMAGAI LLP
GARY T. LAFAYETTE (SBN 0088666)
SUSAN T. KUMAGAI (SBN 127667)
AFRICA E. DAVIDSON (SBN 225680)
101 Mission Street, Suite 600
San Francisco, California 94105
Telephone: (415) 357-4600
Facsimile: (415) 357-4605

Attorneys for Defendants
CITY OF OAKLAND and DEANNA SANTANA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DARYELLE LAWANNA PRESTON

Plaintiff,

vs.

CITY OF OAKLAND; DEANNA
SANTANA, in her individual capacity; and
DOES 1-10, inclusive

Defendants.

Case No. C14-02022 NC

**DEFENDANT'S DISCOVERY EXCERPTS
LIST**

Date: August 19, 2015
Time: 11:00 a.m.
Courtroom: D
Judge: Hon. Nathaniel Cousins,
Magistrate Judge

Action Filed: March 17, 2014
Trial Date: September 14, 2015

1 Defendants City of Oakland (the "City") and Deanna Santana ("Santana") (collectively,
2 the "Parties") hereby proposes the following discovery excerpts for use at trial:

- 3 1. Plaintiff's Response to Defendant City of Oakland's Request for Admissions, Set
4 One, No. 1.

5
6
7 DATED: August 12, 2015

LAFAYETTE & KUMAGAI LLP

8
9 /s/ Gary T. Lafayette

GARY T. LAFAYETTE

Attorneys for Defendants

10 CITY OF OAKLAND and DEANNA SANTANA
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ATTACHMENT H

LAFAYETTE & KUMAGAI LLP
ATTORNEYS AT LAW
101 MISSION STREET, SUITE 600
SAN FRANCISCO, CALIFORNIA 94105
(415) 357-4600
FAX (415) 357-4605

LAFAYETTE & KUMAGAI LLP
GARY T. LAFAYETTE (State Bar No. 88666)
Email: glafayette@lkclaw.com
SUSAN T. KUMAGAI (State Bar No. 127667)
Email: skumagai@lkclaw.com
AFRICA E. DAVIDSON (State Bar No. 225680)
Email: adavidson@lkclaw.com
101 Mission Street, Suite 600
San Francisco, California 94105
Telephone: (415) 357-4600
Facsimile: (415) 357-4605

Attorneys for Defendants
CITY OF OAKLAND and DEANNA SANTANA

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DARYELLE LAWANNA PRESTON,

Plaintiff,

v.

CITY OF OAKLAND; DEANNA
SANTANA, in her individual capacity; and
DOES 1 through 10, inclusive,

Defendants.

Case No. 3:14-cv-02022 NC

**DEFENDANT'S OBJECTIONS TO
PLAINTIFF'S LIST OF DISCOVERY
EXCERPTS**

Final Pretrial Conference Date:
August 19, 2015
Time: 11:00 a.m.
Courtroom: D (San Francisco)
Magistrate Judge: Nathanael M. Cousins

1 Defendants City of Oakland (the "City") and Deanna Santana ("Santana"), hereby object
2 to Plaintiff Daryelle Lawanna Preston's ("Plaintiff") List of Discovery Excerpts.

3 Plaintiff's discovery excerpts were received only hours before the parties' Trial Readiness
4 Binder was due to be filed and while counsel for Defendants was preparing all of the documents
5 for that binder, including documents provided by Plaintiff. As a result, Defendants have not had
6 an opportunity to review and to meet and confer with Plaintiff regarding the excerpts as required
7 by the Court's Pretrial Preparation Order dated July 20, 2015. Under the circumstances, counsel
8 for Plaintiff stipulated they would agree that Defendants' Objections could be filed later, and
9 Defendants will provide more specific objections to Plaintiff's discovery excerpts prior to the
10 pretrial conference.

11 Notwithstanding, Defendants submit the following general Objections to Plaintiff's
12 Discovery Excerpts in their entirety:

- 13 1. As set forth above, Plaintiff's excerpts are untimely.
- 14 2. Plaintiff improperly cites to the deposition transcripts of witnesses Joe Keffer and
15 Phillip Lamont Ewell, who have not been shown to be unavailable. (F.R.C.P.
16 Rule 32(a)(4))
- 17 3. The excerpts are lacking in relevance. (Fed.R.Evid. 401, 402)
- 18 4. The excerpts constitute evidence of subsequent remedial measures. (Fed.R.Evid.
19 407)
- 20 5. Plaintiff's excerpts consist of inadmissible hearsay. (Fed. R. Evid. 801-803)
- 21 6. The excerpts constitute improper character evidence. (Fed. R. Evid. 404)
- 22 7. The excerpts constitute improper opinion and speculation. (Fed. R. Evid. 602,
23 701)

24
25 Dated: August 12, 2015

LAFAYETTE & KUMAGAI LLP

26 /s/ Africa E. Davidson

27 AFRICA E. DAVIDSON

Attorneys for Defendants

28 CITY OF OAKLAND and DEANNA SANTANA ₂

ATTACHMENT I

DAN SIEGEL, SBN 56400
 SONYA Z. MEHTA, SBN 294411
 SIEGEL & YEE
 499 14th Street, Suite 300
 Oakland, California 94612
 Telephone: (510) 839-1200
 Facsimile: (510) 444-6698

Attorneys for Plaintiff
 DARYELLE LAWANNA PRESTON

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DARYELLE LAWANNA PRESTON,

Plaintiff,

vs.

CITY OF OAKLAND; DEANNA
 SANTANA, in her individual capacity; and
 DOES 1 through 10, inclusive,

Defendants.

Case No. 3:14-CV-02022 NC

**PLAINTIFF'S DISCOVERY EXCERPT
 LIST**

Pretrial conference: August 19, 2015

Time: 2:00 p.m.

Courtroom A, 15th Floor

Judge: Honorable Nathanael M. Cousins

Trial Date: September 14, 2015

PLAINTIFF DARYELLE LAWANNA PRESTON hereby proposes the
 following exhibits to be offered at trial:

No.	Description	Stipulations/ Objections
1.	Defendants' Response to Plaintiff's Special Interrogatories, Set One, No.2, November 26, 2014	
2.	Defendants' Response to Plaintiff's Special Interrogatories, Set One, No.3, November 26, 2014	
3.	Defendants' Supplemental Response to Plaintiff's Special	

No.	Description	Stipulations/ Objections
	Interrogatories, Set One, No.3, January 23, 2015	
4.	Deposition of Joe Keffer, pg. 12:1-17	
5.	Deposition of Joe Keffer, pgs. 21:22-22:2	
6.	Deposition of Joe Keffer, pgs. 24:18-26:10	
7.	Deposition of Joe Keffer, pg. 26:17-23	
8.	Deposition of Joe Keffer, pg. 27:5-14	
9.	Deposition of Joe Keffer, pgs. 27:24-28:8	
10.	Deposition of Joe Keffer, pg. 28:12-24	
11.	Deposition of Joe Keffer, pg. 30:11-13	
12.	Deposition of Joe Keffer, pg. 30:18-24	
13.	Deposition of Joe Keffer, pg. 32:16-21	
14.	Deposition of Joe Keffer, pgs. 34:18-35:25	
15.	Deposition of Joe Keffer, pg. 36:10-23	
16.	Deposition of Joe Keffer, pg. 38:13-25	
17.	Deposition of Joe Keffer, pgs. 40:15-41:4	
18.	Deposition of Joe Keffer, pgs. 41:13-42:8	
19.	Deposition of Joe Keffer, pgs. 43:22-44:5	
20.	Deposition of Joe Keffer, pgs. 46:17-48:10	
21.	Deposition of Joe Keffer, pgs. 54:10-55:4	
22.	Deposition of Joe Keffer, pgs. 55:17-56:19	
23.	Deposition of Joe Keffer, pgs. 58:2-60:2	
24.	Deposition of Joe Keffer, pgs. 65:11-66:1	

No.	Description	Stipulations/ Objections
25.	Deposition of Joe Keffer, pgs. 72:21-74:17	
26.	Deposition of Joe Keffer, pgs. 75:7-76:3	
27.	Deposition of Joe Keffer, pgs. 77:12-18	
28.	Deposition of Joe Keffer, pgs. 77:23-79:15	
29.	Deposition of Joe Keffer, pg. 80:9-21	
30.	Deposition of Lamont Ewell, pg. 6:20-9:14	
31.	Deposition of Lamont Ewell, pgs. 9:25-10:10	
32.	Deposition of Lamont Ewell, pg. 11:11-15	
33.	Deposition of Lamont Ewell, pgs. 17:21-18:2	
34.	Deposition of Lamont Ewell, pg. 18:17-19:1	
35.	Deposition of Lamont Ewell, pgs. 20:9-21:1	
36.	Deposition of Lamont Ewell, pgs. 21:19-22:3	
37.	Deposition of Lamont Ewell, pg. 22:20-24:14	
38.	Deposition of Lamont Ewell, pg. 25:22-26:1	
39.	Deposition of Lamont Ewell, pg. 26:12-28:22	
40.	Deposition of Lamont Ewell, pg. 30:15-35:11	
41.	Deposition of Lamont Ewell, pg. 38:10-20	
42.	Deposition of Lamont Ewell, pg. 39:22-40:7	
43.	Deposition of Lamont Ewell, pg. 41:3-17	
44.	Deposition of Lamont Ewell, pg. 42:8-16	
45.	Deposition of Lamont Ewell, pg. 43:18-44:3	
46.	Deposition of Lamont Ewell, pg. 48:21-51:17	

No.	Description	Stipulations/ Objections
47.	Deposition of Lamont Ewell, pg. 51:6-20	
48.	Deposition of Lamont Ewell, pg. 65:22-67:22	

Dated: August 11, 2015

SIEGEL & YEE

By: /s/Dan Siegel

Dan Siegel

Attorneys for Plaintiff

Daryelle LaWanna Preston

ATTACHMENT J

DAN SIEGEL (SBN 56400)
 SONYA Z. MEHTA (SBN 294411)
 SIEGEL & YEE
 499 14th Street, Suite 300
 Oakland, California 94612
 Telephone: (510) 839-1200
 Facsimile: (510) 444-6698

Attorneys for Plaintiff
 DARYELLE LAWANNA PRESTON

BARBARA J. PARKER (SBN 069722)
 OTIS McGEE, JR. (SBN 071885)
 MARIA BEE (SBN 167716)
 JENNIFER N. LOGUE (SBN 241910)
 One Frank H. Ogawa Plaza, 6th Floor
 Oakland, California 94612
 Telephone: (510) 238-3589
 Facsimile: (510) 238-6500
 29892:1647767

LAFAYETTE & KUMAGAI LLP
 GARY T. LAFAYETTE (SBN 0088666)
 SUSAN T. KUMAGAI (SBN 127667)
 AFRICA E. DAVIDSON (SBN 225680)
 101 Mission Street, Suite 600
 San Francisco, California 94105
 Telephone: (415) 357-4600
 Facsimile: (415) 357-4605

Attorneys for Defendants
 CITY OF OAKLAND and DEANNA SANTANA

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

DARYELLE LAWANNA PRESTON

Plaintiff,

vs.

CITY OF OAKLAND; DEANNA
 SANTANA, in her individual capacity; and
 DOES 1-10, inclusive

Defendants.

Case No. 3:14-cv-02022 NC

**JOINT PROPOSED VOIR DIRE
 QUESTIONS**

Courtroom: D, San Francisco Courthouse
 Judge: Hon. Nathanael M. Cousins
 Pretrial Conference: August 19, 2015
 Trial Date: September 14, 2015

Action Filed: March 17, 2014

1 Plaintiff DARYELLE LAWANNA PRESTON and defendants CITY OF OAKLAND
2 and DEANNA SANTANA submit the following proposed voir dire questions.

3 1. In the trial of this case, the parties are entitled to have a fair, unbiased and
4 unprejudiced jury. If there is any reason why any of you might be biased or prejudiced against
5 any of the parties or their attorneys in any way?

6 2. This trial will likely take two weeks to complete, but it may take longer. Will any
7 of you find it difficult or impossible to participate for this period of time?

8 3. Do you have any physical problems, conditions or restrictions that make it very
9 difficult for you to serve as a juror?

10 4. Are you taking any medication, drugs or other substances that will prevent you
11 from hearing and remembering testimony or seeing evidence?

12 5. Ms. Preston is represented by Dan Siegel and Sonya Mehta of the law firm of
13 Siegel & Yee. The City of Oakland and Deanna Santana are represented by Gary T. Lafayette,
14 Susan T. Kumagai and Africa E. Davidson of Lafayette & Kumagai LLP.

15 (a) Have you heard of, or are you acquainted with Daryelle Lawanna Preston,
16 Deanna Santana and/or the attorneys in this case?

17 6. During the trial of this case, other names you may hear are:

- 18 (a) Winnie Anderson
- 19 (b) Fred Blackwell
- 20 (c) Desley Brooks
- 21 (d) Barry Donelan
- 22 (e) Tiana (T.C.) Everett
- 23 (f) Phillip Lamont Ewell
- 24 (g) Chuck Garcia
- 25 (h) Trinett Gist-Skinner
- 26 (i) Andrea Gourdine
- 27 (j) Deborah Grant
- 28 (k) Donna Hom

- 1 (l) Yvonne Hudson
- 2 (m) Scott Johnson
- 3 (n) Howard Jordan
- 4 (o) Kitano Kasaine
- 5 (p) Joe Keffer
- 6 (q) Sonia Lara
- 7 (r) Dan Lindheim
- 8 (s) John Lois
- 9 (t) Dwight McElroy
- 10 (u) Otis McGee
- 11 (v) Emily Morrison
- 12 (w) Alexis Ologoroz
- 13 (x) Barbara Parker
- 14 (y) Jean Quan
- 15 (z) Teresa Reed
- 16 (aa) Dan Robertson
- 17 (bb) Courtney Ruby
- 18 (cc) Arturo Sanchez
- 19 (dd) LaTonda Simmons
- 20 (ee) Sandre Swanson
- 21 (ff) Cheryl Thompson

22 Have you heard of, or been acquainted with, any of these people? If so, please explain.

23 Do you have knowledge concerning the facts or events in this case? If so, what do you know?

24 7. Do you believe that a case of this nature should not be brought into court for
25 determination by a jury?

26 8. Have you, or any member of your family, or someone close to you ever had any
27 connection with or any dealings with the City of Oakland?

28 (a) If so, what?

1 (b) Will it affect your ability to be fair and impartial?

2 9. Are you, or any member of your family or someone close to you related to any
3 official or employee of the City of Oakland? If so, explain. Will this relationship affect your
4 ability to be fair and impartial?

5 10. Have you, or any member of your family, or someone close to you, ever had a
6 negative experience with the City of Oakland?

7 11. Would you as a juror be inclined to treat the City of Oakland differently than
8 another employer?

9 12. Do you have any belief or feeling for or against government entities that might
10 prevent you from being a completely fair and impartial juror in this case?

11 13. Have you ever been employed by a government entity?

12 14. Do you feel that you have ever been wronged by a government entity? Explain.

13 15. If someone has a complaint or a criticism about a government entity, do you tend
14 to believe that that complaint or criticism is correct?

15 16. Do you have any particular feelings or beliefs about government employees?

16 17. Have you, or any members of your family, or anyone close to you, ever sued
17 anyone, or presented a claim against anyone, in connection with a matter similar to this case?

18 (a) If so, is there anything about the experience that will interfere with your
19 ability to be fair and impartial?

20 (b) Did the matter end satisfactorily as far as you are concerned?

21 (c) What was the nature of the claim?

22 18. Has anyone ever sued or presented a claim against you, or any member of your
23 family, or anyone close to you, in connection with matters similar to this case?

24 (a) If so, is there anything about the experience that will interfere with your
25 ability to be fair and impartial?

26 (b) Did the matter terminate satisfactorily as far as you are concerned?

27 (c) What was the nature of the claim?

28 19. Are you, or any member of your family, or anyone close to you, presently

1 involved in a lawsuit of any kind?

2 20. Have you ever testified as a witness in any hearing or court?

3 21. Have you ever served on a jury?

4 (a) If yes, when and where did you serve?

5 (b) What kind of case did you hear?

6 (c) Did the jury reach a verdict? Did you serve as a jury foreperson?

7 (d) Was your jury service a positive or negative experience?

8 22. Have you been to court for a reason other than jury duty?

9 23. Please describe your formal education.

10 24. Have you, or any member of your family, or anyone close to you, had any special
11 training in law? If so, please describe.

12 25. Do you have any experience or training in:

13 (a) Human Resources;

14 (b) Workplace investigations;

15 (c) Union matters; or

16 (d) Government legislative matters.

17 26. Have you ever felt you were retaliated against by your employer? Describe the
18 incident.

19 27. Have you, or any member of your family, or anyone close to you, ever complained
20 to an employer of retaliation by your employer or co-workers?

21 (a) What was the nature of the complaint and how was the matter resolved?

22 (b) Will the experience affect your ability to be fair and impartial in this case?

23 28. Have you ever known anyone who was terminated or discharged from a job?

24 29. Has your employment or the employment of any family member, or anyone close
25 to you, ever been terminated for poor job performance?

26 30. When you hear an employee has been discharged, do you tend to think he or she
27 was mistreated?

28 31. Have you or has anyone in your family ever filed a complaint or a claim against

1 your employer?

2 32. Have you ever had any training or have you worked in Labor Relations?

3 33. Did you ever have the experience of terminating someone's employment? Please
4 explain. How did you feel about that experience?

5 34. Ms. Preston, the plaintiff in this case, is asking for damages to compensate her for
6 losses she claims she suffered as a result of her termination by the City of Oakland. What are
7 your feelings about the concept of someone paying money damages to correct a wrong?

8 35. Ms. Preston is going to be asking for money to compensate her for emotional
9 distress. How do you feel about the concept of quantifying in dollars the amount of emotional
10 distress someone may have suffered?

11 36. Do you feel that money damages awarded in lawsuits are excessive?

12 37. Have you or has anyone close to you ever been accused of retaliation against an
13 employee or otherwise treating an employee unfairly at work?

14 38. Have you ever worked for a company that was sued by an employee for any type
15 of employment related claim?

16 39. Have you, or any member of your family, or anyone close to you, ever been a
17 member of a union?

18 (a) What union?

19 (b) Did you, or person you know, hold an official position with the union?

20 40. What is your occupation? Where are you employed? If you are retired, what was
21 your occupation? If you are unemployed, what was your most recent occupation?

22 (a) Do you have, or have you ever held, a management, supervisory or human
23 resources position?

24 (b) How many people do you or did you supervise or oversee?

25 (c) Are you or were you involved in hiring, promoting or firing of employees?

26 (d) Are you or were you involved in evaluating the job performance of other
27 employees?

28 (e) Are you or were you involved in investigating workplace complaints?

- 1 41. Have you ever held a position in any government legislative body?
- 2 (a) What is, was your position?
- 3 (b) What is, was the legislative body?
- 4 (c) What were your duties?
- 5 42. What is your marital status?
- 6 (a) If you are married, what is the occupation of your spouse? Where is your
- 7 spouse employed? Is your spouse's job considered a management
- 8 position? If so, how many people does he or she currently manage? Has
- 9 your spouse ever had a job that was considered a management position? If
- 10 so, how many people did he or she manage?
- 11 43. Do you have children? If so, how many? If you have any adult children, what are
- 12 their occupations?
- 13 44. In which city do you live? (Do not give your address.) How long have you lived
- 14 in Northern California?
- 15 45. Do you believe that when a party files a lawsuit for wrongful termination it
- 16 probably means that party was wrongfully terminated?
- 17 46. What magazines do you like to read?
- 18 47. What was the last book you read? Did you enjoy it?
- 19 48. What was the last movie you saw?
- 20 49. Do you think you would be a good juror in this case? Why or why not?
- 21 50. Will you follow the instructions of the court and its rulings on the law even if you
- 22 do not agree with them?
- 23 51. Are you, or have you ever been a member of any group, board or agency that
- 24 concerns civil rights or employment relations?
- 25 (a) If so, identify the group, board or agency and what it does?
- 26 (b) Is there anything about your experience that will interfere with your ability
- 27 to be fair and impartial?
- 28 52. What social, civic, professional, trade, or other organizations are you affiliated

1 with? Have you held any offices within these organizations?

2 53. Do you know anyone else on this jury panel?

3 54. Do you believe in the jury system? Why?

4 55. At this stage of the case are you leaning in favor of either party?

5 56. Do you know of any reason why you cannot give either plaintiff Lawanne Preston
6 or defendants City of Oakland and Deanna Santana a fair trial?

7
8
9 DATED: August 12, 2015

SIEGEL & YEE

10
11 /s/ Dan Siegel

Dan Siegel

Attorneys for Plaintiff

12 DARYELLE LAWANNA PRESTON

13 DATED: August 12, 2015

CITY OF OAKLAND

14
15 /s/ Otis McGee, Jr.

Otis McGee, Jr.

Attorneys for Defendants

16 CITY OF OAKLAND and DEANNA SANTANA

17 DATED: August 12, 2015

LAFAYETTE & KUMAGAI LLP

18 /s/ Gary T. Lafayette

Gary T. Lafayette

Attorneys for Defendants

19 CITY OF OAKLAND and DEANNA SANTANA
20
21
22
23
24
25
26
27
28

ATTACHMENT K

LAFAYETTE & KUMAGAI LLP
ATTORNEYS AT LAW
101 MISSION STREET, SUITE 600
SAN FRANCISCO, CALIFORNIA 94105
(415) 357-4600
FAX (415) 357-4605

DAN SIEGEL (SBN 56400)
SONYA Z. MEHTA (SBN 294411)
SIEGEL & YEE
499 14th Street, Suite 300
Oakland, California 94612
Telephone: (510) 839-1200
Facsimile: (510) 444-6698

Attorneys for Plaintiff
DARYELLE LAWANNA PRESTON

BARBARA J. PARKER (SBN 069722)
OTIS McGEE, JR. (SBN 071885)
MARIA BEE (SBN 167716)
JENNIFER N. LOGUE (SBN 241910)
One Frank H. Ogawa Plaza, 6th Floor
Oakland, California 94612
Telephone: (510) 238-3589
Facsimile: (510) 238-6500
29892:1647767

LAFAYETTE & KUMAGAI LLP
GARY T. LAFAYETTE (State Bar No. 88666)
SUSAN T. KUMAGAI (State Bar No. 127667)
AFRICA E. DAVIDSON (State Bar No. 225680)
101 Mission Street, Suite 600
San Francisco, California 94105
Telephone: (415) 357-4600
Facsimile: (415) 357-4605

Attorneys for Defendants
CITY OF OAKLAND and DEANNA SANTANA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DARYELLE LAWANNA PRESTON,

Plaintiff,

v.

CITY OF OAKLAND; DEANNA
SANTANA, in her individual capacity; and
DOES 1 through 10, inclusive,

Defendants.

Case No. 3:14-cv-02022 NC

**JOINT PROPOSED JURY
QUESTIONNAIRE**

Courtroom: D, San Francisco Courthouse
Judge: Hon. Nathanael M. Cousins
Pretrial Conference: August 19, 2015
Trial Date: September 14, 2015

Action Filed: March 17, 2014

GENERAL QUESTIONS

PLEASE PRINT ALL ANSWERS LEGIBLY

FULL NAME: _____

1.1. Date and place of birth: _____

1.2. Where you currently live? _____ Do you: _____ own? _____ rent?

1.3. Area(s), neighborhood(s), or community(ies) where you have lived in the past 10 years (and dates): _____

1.4. What is the highest level of education you completed?

_____ Grade school or less

_____ Some high school

_____ High school graduate

_____ Some college (major) _____

_____ College graduate (major) _____

_____ Postgraduate study (major) _____

_____ Technical, vocational, or business school (major) _____

_____ Other (please explain) _____

1.5. If you plan to attend or are currently attending school, describe:

1.6. If you have taken any courses or had any training in medicine or other health care fields (including psychiatry, psychology, or marriage and family counseling), describe:

LAFAYETTE & KUMAGAI LLP
ATTORNEYS AT LAW
101 MISSION STREET, SUITE 600
SAN FRANCISCO, CALIFORNIA 94105
(415) 357-4600
FAX (415) 357-4605

LAFAYETTE & KUMAGAI LLP
 ATTORNEYS AT LAW
 101 MISSION STREET, SUITE 600
 SAN FRANCISCO, CALIFORNIA 94105
 (415) 357-4600
 FAX (415) 357-4605

1.7. If you have taken any courses or had any training in law or a related subject, describe:

1.8. Education background of any other adult who lives in your home, including any degrees or certificates earned:

1.9. Your present employment status (check all that apply):

_____ Employed full-time

_____ Employed part-time

_____ Homemaker

_____ Retired

_____ Student

_____ Unemployed, looking for work

_____ Unemployed, not looking for work

_____ Permanently disabled from working

_____ Temporarily disabled from working

_____ Other (explain) _____

1.10. Your current or most recent occupation: _____

LAFAYETTE & KUMAGAI LLP
 ATTORNEYS AT LAW
 101 MISSION STREET, SUITE 600
 SAN FRANCISCO, CALIFORNIA 94105
 (415) 357-4600
 FAX (415) 357-4605

1.11. How long have you been at your current job, unemployed, student, retired, homemaker or disabled? _____ years.

1.12. How are you paid by your employer? (If not currently working, your previous job.) Check one:

_____ Hourly

_____ Salary

_____ Hourly/salary

_____ Commission only

1.13. Name of your most recent employer or, if a student, your school:

1.14. What are your specific duties and responsibilities on the job?

1.15. Does your job involve supervising other people? Yes _____ No _____

If yes, approximately how many? _____

1.16. Are you involved in the hiring or firing of other employees:

Yes _____ No _____

1.17. The current or most recent occupation of any adult who lives in your household: _____

1.18. The current or last employment of any adult who lives in your household:

LAFAYETTE & KUMAGAI LLP
ATTORNEYS AT LAW
101 MISSION STREET, SUITE 600
SAN FRANCISCO, CALIFORNIA 94105
(415) 357-4600
FAX (415) 357-4605

1.19. What are/were the occupations of your parents? (if retired, what did they do before?)

Mother: _____

Father: _____

1.20. If you have children, please list (including any children who do not currently live with you):

<u>Gender</u>	<u>Age</u>	<u>Does child live with you</u>	<u>Education</u>	<u>Occupation</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

1.21. If you or any adult who lives in your household has ever served in the military, please list for each the branch of service and dates of service: _____

1.22. What social, civic, professional, trade, or other organizations are you affiliated with? _____

1.23. Describe any offices you have held in organizations listed above:

1.24. Do you know anyone else on this jury panel?

LAFAYETTE & KUMAGAI LLP
ATTORNEYS AT LAW
101 MISSION STREET, SUITE 600
SAN FRANCISCO, CALIFORNIA 94105
(415) 357-4600
FAX (415) 357-4605

1 _____

2 1.25 How many cases have you served on a jury? _____

3 Where did you serve on a jury? _____

4 _____

5 What kinds of cases did you hear while serving on a jury? _____

6 _____

7 _____

8 In how many of those cases did the jury reach a verdict? _____

9 _____

10 _____

11 In how many of those cases did you serve as the jury foreperson? _____

12 _____

13 Was your jury service a positive or negative experience? _____

14 _____

15 _____

16 _____

17 1.26. Describe any problems (vision, hearing or other medical problems) that may affect

18 your jury service: _____

19 _____

20 _____

21 1.27. If you or anyone close to you has ever made any type of claim for damages,

22 explain: _____

23 _____

24 _____

25 1.28. If a claim for money damages has ever been made against you or anyone close to

26 you, explain the circumstances: _____

27 _____

28 _____

1.29. If you or anyone close to you has ever sued or been sued in any type of lawsuit, explain: _____

1.30. Do you feel that money damages awarded in lawsuits are (Check One):

☐ Excessive

☐ Occasionally too low

☐ Often too large

☐ Often too low

☐ About right

☐ Other (specify) _____

1.31. If you have any ethical, religious, political, or other beliefs that may prevent you from serving as a juror, explain: _____

2.1. Place a check mark on the appropriate line(s) if you or anyone close to you has ever been employed in any capacity by any of the following types of businesses:

Yourself

Other Person

_____ Any court in the State of California

_____ Attorney, law firm, or law office

_____ Claims adjustment, evaluation, review, settlement, or investigation

_____ Accident investigation or law enforcement

_____ Disability, health, life, casualty, or accidental injury benefits or programs

_____ Economics, actuarial, or investments

_____ Health care doctor, nursing, hospital, dental, counseling, therapy, pharmacy, psychology, or any related field

_____ Department of Fair Employment and Housing, Equal Employment Opportunity Commission

2.2. If you checked any line in the previous question (2.1), please state the relationship of that person to you, the type and details of that employment and the years of that employment:

LAFAYETTE & KUMAGAI LLP
ATTORNEYS AT LAW
101 MISSION STREET, SUITE 600
SAN FRANCISCO, CALIFORNIA 94105
(415) 357-4600
FAX (415) 357-4605

LAFAYETTE & KUMAGAI LLP
ATTORNEYS AT LAW
101 MISSION STREET, SUITE 600
SAN FRANCISCO, CALIFORNIA 94105
(415) 357-4600
FAX (415) 357-4605

2.3. Do you have any beliefs against awarding damages for personal injury, pain or suffering, or emotional distress? Yes _____ No _____

If yes, explain: _____

3.1. In the trial of this case, the parties are entitled to have a fair, unbiased and unprejudiced jury. If there is any reason why you might be biased or prejudiced in any way, you must disclose such reasons when you are asked to do so. It is your duty to make this disclosure. Please explain. _____

This trial will likely take 10 to 12 days to complete, but it may take longer. Will you find it difficult or impossible to participate for this period of time?

Yes _____ No _____

Please explain: _____

3.2. Are you taking any medication or drugs which will prevent you from hearing and remembering testimony or seeing evidence?

Yes _____ No _____

3.3. Plaintiff is represented by Dan Siegel and Sonya Mehta. Defendants City of

LAFAYETTE & KUMAGAI LLP
ATTORNEYS AT LAW
101 MISSION STREET, SUITE 600
SAN FRANCISCO, CALIFORNIA 94105
(415) 357-4600
FAX (415) 357-4605

Oakland and Deanna Santana are represented by Gary T. Lafayette, Susan T. Kumagai and Africa E. Davidson of the law firm of Lafayette & Kumagai LLP.

(a) Have you heard of, or are you acquainted with any of these parties, plaintiff's attorney, or the defendant's attorneys?

Yes _____ No _____

Please explain: _____

3.4. During the trial of this case, the following individuals may be called as witnesses:

1. Winnie Anderson
2. Fred Blackwell
3. Desley Brooks
4. Barry Donelan
5. Tiana (T.C.) Everett
6. Phillip Lamont Ewell
7. Chuck Garcia
8. Trinett Gist-Skinner
9. Andrea Gouridine
10. Deborah Grant
11. Donna Hom
12. Yvonne Hudson
13. Scott Johnson
14. Howard Jordan
15. Kitano Kasaine
16. Joe Keffer
17. Sonia Lara

LAFAYETTE & KUMAGAI LLP
ATTORNEYS AT LAW
101 MISSION STREET, SUITE 600
SAN FRANCISCO, CALIFORNIA 94105
(415) 357-4600
FAX (415) 357-4605

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

18. Dan Lindheim
19. John Lois
20. Dwight McElroy
21. Otis McGee
22. Emily Morrison
23. Alexis Ologoroz
24. Barbara Parker
25. Jean Quan
26. Teresa Reed
27. Dan Robertson
28. Courtney Ruby
29. Arturo Sanchez
30. LaTonda Simmons
31. Sandre Swanson
32. Cheryl Thompson

(a) Have you heard of, or been acquainted with, any of these people?

Yes _____ No _____

Please explain: _____

3.5. Do you have knowledge concerning the facts or events in this case?

Yes _____ No _____

Please explain: _____

LAFAYETTE & KUMAGAI LLP
ATTORNEYS AT LAW
101 MISSION STREET, SUITE 600
SAN FRANCISCO, CALIFORNIA 94105
(415) 357-4600
FAX (415) 357-4605

3.6. Do you believe that a case of this nature should not be brought into court for determination by a jury?

Yes _____ No _____

Please explain: _____

3.7. Do you have any belief or feeling towards any of the parties, attorneys or witnesses that might be regarded as bias or prejudice for or against any of them?

Yes _____ No _____

Please explain: _____

3.8. Do you have any interest, financial or otherwise, in the outcome of this case?

Yes _____ No _____

Please explain: _____

3.9. Have you served as a witness involving any of these parties, attorneys or witnesses?

Yes _____ No _____

Please explain: _____

(a) Will it affect your ability to be fair and impartial?

LAFAYETTE & KUMAGAI LLP
ATTORNEYS AT LAW
101 MISSION STREET, SUITE 600
SAN FRANCISCO, CALIFORNIA 94105
(415) 357-4600
FAX (415) 357-4605

Yes _____ No _____

Please explain: _____

3.10. Have you or any member of your family or close friends ever been employed by the City of Oakland?

Yes _____ No _____

Please explain: _____

(a) Will this relationship affect your ability to be fair and impartial?

Yes _____ No _____

Please explain: _____

3.11. Have you ever done business with the City of Oakland?

Yes _____ No _____

Please explain: _____

(a) Have you had any problems with the City of Oakland?

Yes _____ No _____

Please explain: _____

(b) How was it resolved? _____

LAFAYETTE & KUMAGAI LLP
ATTORNEYS AT LAW
101 MISSION STREET, SUITE 600
SAN FRANCISCO, CALIFORNIA 94105
(415) 357-4600
FAX (415) 357-4605

(c) Will your experience in any way affect your ability to be fair and impartial?

Yes _____ No _____

Please explain: _____

3.12. The fact that a government entity is a party in this case must not affect your deliberations or your verdict. You may not discriminate between a government entity and natural individuals. Both are persons in the eyes of the law and both are entitled to have a fair and impartial trial based upon the same legal standards. Do you have any belief or feeling for or against government entities that might prevent you from being a completely fair and impartial juror in this case?

Yes _____ No _____

Please explain: _____

3.13. Is there anything about this case, i.e., the parties involved or the subject matter, which makes it difficult for you to serve as a fair and impartial juror?

Yes _____ No _____

Please explain: _____

3.14. Have you, or any members of your family or close friends ever sued anyone, or presented a claim against anyone, in connection with a matter similar to this case?

Yes _____ No _____

Please explain: _____

LAFAYETTE & KUMAGAI LLP
 ATTORNEYS AT LAW
 101 MISSION STREET, SUITE 600
 SAN FRANCISCO, CALIFORNIA 94105
 (415) 357-4600
 FAX (415) 357-4605

(a) How was it resolved? _____

(b) Will your experience in any way affect your ability to be fair and impartial?

Yes _____ No _____

Please explain: _____

3.15. Has anyone ever sued you, or any member of your family or close friends, or presented a claim against you, in connection with matters similar to this case?

Yes _____ No _____

Please explain: _____

(a) How was it resolved? _____

(b) Will your experience in any way affect your ability to be fair and impartial?

Yes _____ No _____

Please explain: _____

3.16. Have you ever hired an attorney or talked to an attorney about a problem?

Yes _____ No _____

Please explain: _____

3.17. Do you have any experience in personnel matters, such as retaliation?

Yes _____ No _____

Please explain: _____

LAFAYETTE & KUMAGAI LLP
ATTORNEYS AT LAW
101 MISSION STREET, SUITE 600
SAN FRANCISCO, CALIFORNIA 94105
(415) 357-4600
FAX (415) 357-4605

3.18. Have you, or any member of your family or close friends, ever been involved in an incident of retaliation in the workplace?

Yes _____ No _____

Please explain: _____

(a) Was a claim or lawsuit filed?

Yes _____ No _____

Please explain: _____

(b) How was it resolved? _____

(c) Were you satisfied with how it was resolved?

Yes _____ No _____

Please explain: _____

(d) Will your experience in any way affect your ability to be fair and impartial?

Yes _____ No _____

Please explain: _____

3.19. Have you, or any member of your family or close friends, ever made a complaint

LAFAYETTE & KUMAGAI LLP
ATTORNEYS AT LAW
101 MISSION STREET, SUITE 600
SAN FRANCISCO, CALIFORNIA 94105
(415) 357-4600
FAX (415) 357-4605

of retaliation against an employer and/or a co-worker?

Yes _____ No _____

Please explain: _____

(a) How was it resolved? _____

(b) Were you satisfied with how it was resolved?

Yes _____ No _____

Please explain: _____

(c) Will your experience in any way affect your ability to be fair and impartial?

3.20. Are there any kinds of lawsuits, which you think are unfair or unjust, and should not be brought to court?

Yes _____ No _____

Please explain: _____

3.21. What do you think about people who bring lawsuits?

3.22. If you thought you were discriminated or retaliated against, would you consider bringing a lawsuit?

Yes _____ No _____

Please explain: _____

LAFAYETTE & KUMAGAI LLP
 ATTORNEYS AT LAW
 101 MISSION STREET, SUITE 600
 SAN FRANCISCO, CALIFORNIA 94105
 (415) 357-4600
 FAX (415) 357-4605

3.23. What do you think about the jury system?

3.24. Do you believe that when a party files a lawsuit against his or her current or former employer for retaliation, it probably means that party has been retaliated against by the employer?

Yes _____ No _____

Please explain: _____

3.25. It is important that the parties have your assurance that you will, without reservation, follow the instructions of the court and its rulings on the law and apply that law to this case. Whether you approve or disapprove of the court's rulings or instructions, it is your solemn duty to accept as correct these statements of the law. You may not substitute your own ideas of what you think the law ought to be. Will you follow the instructions of the court and its rulings on the law and apply that law to this case?

Yes _____ No _____

3.26. Do you know of any other reason, or has anything occurred during the questioning period, that might make you doubtful you would be a completely fair and impartial juror in this case? If there is, it is your duty to disclose the reasons at this time.

Yes _____ No _____

Please explain: _____

LAFAYETTE & KUMAGAI LLP
ATTORNEYS AT LAW
101 MISSION STREET, SUITE 600
SAN FRANCISCO, CALIFORNIA 94105
(415) 357-4600
FAX (415) 357-4605

3.27. Are you an officer of a corporation?

Yes _____ No _____

Please explain: _____

(a) Is there anything about your experience that will interfere with your ability to be fair and impartial?

Yes _____ No _____

Please explain: _____

3.28. Have you, or any relatives or close friends, ever owned a business of any kind?

Yes _____ No _____

Please explain: _____

3.29 Have you or anyone close to you ever been a member of a union?

Yes _____ No _____

Please explain: _____

3.30. Have you or anyone close to you ever held a position with a union such as an officer or steward?

Yes _____ No _____

Please explain: _____

LAFAYETTE & KUMAGAI LLP
ATTORNEYS AT LAW
101 MISSION STREET, SUITE 600
SAN FRANCISCO, CALIFORNIA 94105
(415) 357-4600
FAX (415) 357-4605

3.31 Do you have strong feelings, whether positive or negative, toward unions or union members?

Yes _____ No _____

Please explain: _____

3.32. Have you or anyone close to you ever held a position wherein you participated in negotiations leading to agreements between a union and an employer?

Yes _____ No _____

Please explain: _____

3.33. Have you or anyone close to you held a legislative position for a municipality, state, and/or the United States government?

Yes _____ No _____

Please explain: _____

3.34. Have you or anyone close to you ever been a member of a city council?

Yes _____ No _____

Please explain: _____

3.35. What is your primary source of news? _____

3.36. Will you be able to be a fair and impartial juror to both sides involved in this case?

Yes _____ No _____

Please explain: _____

LAFAYETTE & KUMAGAI LLP
 ATTORNEYS AT LAW
 101 MISSION STREET, SUITE 600
 SAN FRANCISCO, CALIFORNIA 94105
 (415) 357-4600
 FAX (415) 357-4605

3.37. Please use this space to inform the court of any further information you feel concerns your ability to serve as a trial juror.

3.38. What is your marital status?

☐ First Marriage ☐ Widowed ☐ Divorced
☐ Second or later marriage ☐ Single, Never Married ☐ Separated

*For how long? _____ years

3.39. To what extent do you agree or disagree with each of the following statements?

a. "There are too many lawsuits." (Explain) _____

b. "Jury awards are too high." (Explain) _____

LAFAYETTE & KUMAGAI LLP
ATTORNEYS AT LAW
101 MISSION STREET, SUITE 600
SAN FRANCISCO, CALIFORNIA 94105
(415) 357-4600
FAX (415) 357-4605

c. "If it were up to me, I would change the justice system." (Explain) _____

d. "Large corporations or institutions are treated unfairly by our justice system."
(Explain) _____

e. "Lawsuits and high damages make companies and institutions act more
responsibly." (Explain) _____

f. "If a lawsuit makes it to trial, there must be some merit to the plaintiff's case."
(Explain) _____

VERIFICATION

I, _____ (print name),
DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF
CALIFORNIA THAT THE FOREGOING RESPONSES I HAVE GIVEN ON THIS JUROR
QUESTIONNAIRE, AND ON ANY ATTACHED SHEETS, ARE TRUE AND CORRECT TO
THE BEST OF MY KNOWLEDGE AND BELIEF.

Date: _____, 2015

Signature _____

LAFAYETTE & KUMAGAI LLP
ATTORNEYS AT LAW
101 MISSION STREET, SUITE 600
SAN FRANCISCO, CALIFORNIA 94105
(415) 357-4600
FAX (415) 357-4605